

BUDGET ESTIMATES 2021-2022

Supplementary Questions

Portfolio Committee No. 5 – Legal Affairs

<p>POLICE</p>

Hearing: Wednesday 1 September 2021

Answers due by: Thursday 30 September 2021

RESPONSES TO SUPPLEMENTARY QUESTIONS

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POLICE

Questions from the Hon Mark Buttigieg MLC (on behalf of the Opposition)

17. Commissioner Fuller, given your comments at the Budget Estimates hearing regarding the rate of crime during COVID-19 where you said “We certainly are seeing in some areas, such as adult sexual assault, child sexual assault and domestic and family violence, that those numbers are unfortunately consistently high” can you please provide the most recent statistics on the incidences of crime in the categories mentioned in your comment (and any other relevant crime) by LGA (or similar regional breakdown) along with the same comparable metric from earlier this year before the current outbreak?

Answer:

Please see:

- [Table 1 and 2 for statistics on Adult Sexual Assault incidents;](#)
- [Table 3 and 4 for Child Sexual Assault incidents; and](#)
- [Table 5 and 6 for DV related incidents.](#)

18. Commissioner Fuller, given your comments at the Budget Estimates hearing regarding the changes in Public Health orders, where you said “*We have our general counsel work with general counsel at the Department of Premier and Cabinet to construct, what we would determine, a fact sheet so officers have an understanding of either the new health order or the evolution of the health orders.*” Will you provide copies of the fact sheets that you have distributed to police since the start of the current lockdown?

Answer:

Please see [Table 7 for a list of NSW Police Force Fact Sheets.](#)

19. Will you provide the cost for NSW Police to procure and fit an individual unit of each of the following units for operational use:
- (a) Random Drug Testing Unit
 - (b) Random breath testing kit
 - (c) Police station for up to 50 staff

- (d) Police station for up to 100 staff
- (e) Police station for up to 200 staff
- (f) Police station for up to 300 staff

Answer:

It should be noted that all costs associated with Random Drug Testing consumables, whilst initially purchased by the NSW Police Force, are passed onto Transport for NSW- Centre for Road Safety who provide reimbursement.

Notwithstanding, the following “unit” costs associated with this process are as follows:

a. Random drug testing Kit.

- Drugwipe (Securatec 3s) \$25.20/unit
- Secondary test kit (STK) \$24/unit
- Direct Collection Head (DCH) \$5/unit
- DRAGAR \$6,664.35/unit (not including fridges etc)

b. Random Breath Test kit.

- Roadside screener (Alcoliser) \$970 + GST
- Random breath test tube (used in conjunction with Alcoliser): 22 cents each
- Breath Analysis instrument (capital cost not including ongoing servicing etc): \$10,260 + GST
- Disposable mouthpiece for Breath Analysis instrument: 58 cents each

c to f. Budget calculations for police station capital works are based on a number of factors, including:

- the operational taskings delivered from the facility;
- the location, i.e. metropolitan, regional or remote;
- whether there are any heritage aspects; and
- local planning requirements or constraints.

20. Will the Road Safety Plan 2021 be continuing for the coming years?

(a) If yes, can you confirm the cost of the program for the following years:

- i. 2021
- ii. 2022
- iii. 2023

Answer:

This question should be redirected to Transport for NSW as the responsible agency for the Road Safety Plan.

21. Will you provide the cost for NSW Police to procure and fit an individual unit of each of the following vehicles for operational use:
- (a) Highway patrol vehicle
 - (b) 6 cylinder - operational vehicle
 - (c) 4 cylinder - operational vehicle
 - (d) 4WD - operational vehicle
 - (e) Motor cycle
 - (f) Bicycle

Answer:

NSW Government agencies adhere to the Motor Vehicle Pre-Qualification Scheme, Approved Vehicle list (AVL) and the Motor Vehicle Operational Guidelines.

The AVL is guided by the principle that the specified vehicles are selected as being fit-for-purpose. A majority of NSW Police Force vehicles are leased through approved Fleet Management companies, following a competitive process managed by NSW Treasury (NSW Procurement). Therefore, Fleet Services is unable to provide the cost to procure and fit the listed units.

The cost to procure and fit a bicycle is approximately \$1,200.

22. Will you provide the cost for NSW Police to procure and fit an individual unit of each of the following Police Air Wing craft for operational use:
- (a) Bell 412EPi Twin engine helicopter
 - (b) Single engine Squirrel
 - (c) Twin engine Squirrel
 - (d) Eurocopter EC135 Twin Engine Helicopter
 - (e) Cessna Grand Caravan EX208B fixed wing

Answer:

- a. Bell 412Epi - \$17,764,000 plus equipment costs of \$3 million.

- b. Single engine Squirrel - \$3,164,000 plus equipment costs of \$3 million
- c. Twin engine Squirrel - \$5,424,000 plus equipment costs of \$3 million
- d. Eurocopter EC135 P2+ - \$12,000,000 plus equipment costs of \$3 million
- e. Cessna Grand Caravan C208 EX - \$4,116,000 plus equipment costs of \$5 million.

Note, not all aircraft listed above are currently operational. One has been sold, one de-commissioned, and one awaiting de-commissioning.

23. Will you provide the cost for NSW Police to procure and fit an individual unit of each of the following water craft for operational use:
- (a) Class 1 (32 metres)
 - (b) Class 2 (16 metres)
 - (c) Class 3 (10.5 metres)
 - (d) Class 4 (8 metres)
 - (e) Jet Ski

Answer:

- a. Class 1 (32 metres) - \$22 million
- b. Class 2 (16 metres) - \$3.85 million
- c. Class 3 (10.5 metres) - \$1.5 million
- d. Class 4 (8 metres) - \$550,000
- e. Jet Ski - \$33,000

Recurrent Funding

24. What recurrent funding is being given in the 2021-22, 2022-23 and 2023-24 financial years to the following units of NSW Police:
- (a) Aviation Support Branch
 - (b) Counter Terrorism and Special Tactics
 - (c) Dog Unit
 - (d) Firearms Registry
 - (e) Forensic Evidence & Technical Services Command
 - (f) Legal
 - (g) Marine Area Command

- (h) Communications and Security Command
- (i) Police Band
- (j) PoliceLink Command
- (k) Police Prosecutions Command
- (l) Professional Standards Command
- (m) Public Affairs Branch
- (n) Special Constables
- (o) State Crime Command
- (p) Traffic and Highway Patrol
- (q) Recruitment Branch

Answer:

	FY 2021/22
a. Aviation Support Branch	\$12.6 m
b. Counter Terrorism and Special Tactics	\$77.8 m
c. Dog Unit	\$14.1 m
d. Firearms Registry	\$11.2 m
e. Forensic Evidence and Technical Services Command	\$135.3 m
f. Legal	\$7.4 m
g. Marine Area Command	\$20.3 m
h. Communications and Security Command	\$130.5 m
i. Police Band	\$3.1 m
j. PoliceLink Command	\$42.4 m
k. Police Prosecutions Command	\$43.5 m
l. Professional Standards Command	\$26.8 m
m. Public Affairs Branch	\$9.8 m
n. Special Constables	\$11.8 m
o. State Crime Command	\$166.8 m
p. Traffic and Highway Patrol	\$176.3 m
q. Recruitment Branch	\$2.5 m

Budgets for future years (2022-23 and 2023-24 financial years) have not been set.

NSW Police Force headcount

25. Will you populate this table, showing how many police officers, administrative staff and total staff have been working at every NSW police station and office for each

year, starting with the 2011-12 financial year, until the 2018-19 financial year? (If there are new police stations, please add them for the year it become operational and every year subsequent).

Employee headcount		2011-12	
Command	Police Officers	Administrative Staff	Total
TOTAL NSW POLICE			
Central Metropolitan Region			
Region office			
Eastern Beaches PAC			
Eastern Suburbs PAC			
Inner West PAC			
Kings Cross PAC			
Leichhardt PAC			
South Sydney PAC			
St George PAC			
Surry Hills PAC			
Sutherland Shire PAC			
Sydney City PAC			
North West Metropolitan Region			
Region office			
Blacktown PAC			
Blue Mountains PAC			
Hawkesbury PAC			
Ku-ring-gai PAC			
Mount Druitt PAC			
Nepean PAC			
North Shore PAC			
Northern Beaches PAC			
Parramatta PAC			
Quakers Hill PAC			
Ryde PAC			
The Hills PAC			
South West Metropolitan Region			
Region office			
Auburn PAC			
Bankstown PAC			
Burwood PAC			
Camden PAC			
Campbelltown City PAC			
Campsie PAC			
Cumberland PAC			
Fairfield City PAC			

Liverpool City PAC			
Northern Region			
Region office			
Brisbane Water PD			
Coffs-Clarence PD			
Hunter Valley PD			
Lake Macquarie PD			
Manning-Great Lakes PD			
Mid North Coast PD			
Newcastle City PD			
Port Stephens-Hunter PD			
Richmond PD			
Tuggerah Lakes PD			
Tweed-Byron PD			
Southern Region			
Region office			
Lake Illawarra PD			
Monaro PD			
Murray River PD			
Murrumbidgee PD			
Riverina PD			
South Coast PD			
The Hume PD			
Wollongong PD			
Western Region			
Region office			
Barrier PD			
Central West PD			
Central North PD			
Chifley PD			
New England PD			
Orana-Mid Western PD			
Oxley PD			

Answer:

The NSW Police Force is unable to release historical staffing figures prior to Re-engineering (before 2018). These historical figures are not a valid comparison with current staffing figures due to the multiple changes and restructures undergone within the NSW Police Force.

Information regarding the number of police officers, including administration officers, is available in the NSW Police Force Annual Report at www.police.nsw.gov.au.

Land Sales

26. On August 11, 2021, the Sydney Morning Herald reported that the NSW Government has imposed a \$3 billion land and property sale target on its departments and agencies by 2023.

(a) What is the target set for NSW police?

(b) As of September 1, 2021, how much land has been sold within NSW police?

(c) As of September 1, 2021, how much land has been set for sale?

Answer:

a. NSWPF has not been advised of a target.

b. Nil

c. Nil

27. Between January 1, 2017 and September 9, 2021, what has been the total land sale value of property held by NSW Police?

Answer:

Nil

28. Between January 1, 2017 and December 31, 2017 what has been the total land sale value of property held by NSW Police?

Answer:

Nil

29. Between January 1, 2018 and December 31, 2018 what has been the total land sale value of property held by NSW Police?

Answer:

Nil

30. Between January 1, 2019 and December 31, 2019 what has been the total land sale value of property held by NSW Police?

Answer:

Nil

31. Between January 1, 2020 and December 31, 2020 what has been the total land sale value of property held by NSW Police?

Answer:

Nil

32. Between January 1, 2021 and December 31, 2021 what has been the total land sale value of property held by NSW Police?

Answer:

Nil

33. Between January 1, 2021 and June 30, 2021 what has been the total land sale value of property held by NSW Police?

Answer:

Nil

Antisemitic incidents and Nazi flag and swastika incidents

34. In a GIPA request in 2020, NSW police confirmed that in a two year period that it has received 112 incidents of antisemitism including 31 Nazi flag incidents, please list the full 31 Nazi flag incidents and their locations. (The GIPA reference is LEGAL4504/20 decision date October 14, 2020)

Answer:

The GIPA reference LEGAL4504/20 decision date October 14 2020 is not a NSW Police Force GIPA matter. This question should be redirected to the NSW Department of Communities and Justice for appropriate response.

35. Since 2018, has the NSW Police investigated any incidents in NSW, where there were complaints about the baking of pies/cakes with a Nazi swastika symbol on the top of the pie/cake?

(a) If yes:

- i. How many times did these incidents occur?
- ii. What were the times, dates and locations of these incidents?
- iii. What were the results of the investigations?

Answer:

There has been no investigation by the NSW Police Force in relation to pies/cakes with a Nazi Swastika symbol.

Cyber Security

36. In the NSW Legislative Council report on Cyber Security (Report 52 – March 2021), Deputy Commissioner Dave Hudson reported that NSW Police’s own systems had been the subject of 58 significant attacks in 2020, but none were successful.

(a) If yes:

- i. List the dates of those attacks and were charges laid.
- ii. Detail how many of those attacks were local, inter-State and overseas.

Answer:

The NSW Police Force confirms that there were 58 noteworthy cyber security incidents in 2020.

- i. Specific dates of the attacks cannot be provided.
- ii. Accurate attribution of cyber security attacks is not possible much of the time due to the nature of these offences. However, during the 2020 attacks, it is known that some were from overseas threat actors. More generally, it is noted that uplift to cyber security is underway and will allow for greater investigation and categorisation of incidents.

Vaccination Rates

37. As of September 9, 2021, how many police officers are employed in NSW?

(a) As of September 9, 2021 how many of these police officers are vaccinated with:

- i. At least one dose of a COVID-19 vaccine?
- ii. Two doses of a COVID-19 vaccine?

Answer:

As of 9 September 2021, a total of 17,680 Police Officers were employed by the NSW Police Force.

i. 13,603 police officers (76.9%) had at least one dose (includes police officers who had two doses). 736 police officers (4.2%) had a single dose only.

ii. 12,867 police officers (72.8%) had two doses.

38. As of September 9, 2021, how many non-police officers are employed by NSW Police?

(a) As of September 9, 2021, how many of these non-police officers are vaccinated with:

i. At least one dose of a COVID-19 vaccine?

ii. Two doses of a COVID-19 vaccine?

Answer:

As of 9 September 2021, a total of 4,135 administrative officers were employed by the NSW Police Force.

i. 3,148 administrative officers (76.1%) had at least one dose (includes administrative officers who had two doses). Of these, 328 administrative officers (7.9%) had a single dose only.

ii. 2,820 administrative officers (68%) had two doses.

Staff

39. **As of September 1, 2021, what was the overall number of staff employed by NSW Police?**

Answer:

As of 1 September 2021, the NSW Police Force has a total of 21,872 employees.

40. As of September 1, 2021, what was the overall number of uniformed officers employed by NSW Police?

Answer:

As of 1 September 2021, a total of 17,714 police officers are employed by the NSW Police Force.

41. As of September 1, 2021, what was the overall number of administrative officers employed by NSW Police?

Answer:

As of 1 September 2021, a total of 4,158 administrative officers are employed by the NSW Police Force.

42. As of September 1, 2021, what was the overall number of executive officers employed by NSW Police?

Answer:

As of 1 September 2021, a total of 78 senior executive officers are employed by the NSW Police Force.

43. As of September 1, 2021, what was the overall number of commissioned officers employed by NSW Police?

Answer:

As of 1 September 2021, the overall number of commissioned officers employed by the NSW Police Force is 815 (which represents 4.6% of all Police Officers).

44. As of September 1, 2021, what was the overall number of senior sergeants and sergeants employed by NSW Police?

Answer:

As of 1 September 2021, the overall number of senior sergeants and sergeants employed by the NSW Police Force is 3,062 (which represents 17.3% of all Police Officers).

45. As of September 1, 2021, what was the overall number of senior constables employed by NSW Police?

Answer:

As of 1 September 2021, the overall number of senior constables employed by the NSW Police Force is 9,782 (which represents 55.2% of all Police Officers).

46. As of September 1, 2021, what was the overall number of constables employed by NSW Police?

Answer:

As of 1 September 2021, the overall number of constables employed by the NSW Police Force is 2,843 (which represents 16% of all Police Officers).

47. As of September 1, 2021, what was the overall number of probationary constables employed by NSW Police?

Answer:

As of 1 September 2021, the overall number of probationary constables employed by the NSW Police Force is 1,212 (which represents 6.8% of all Police Officers).

Refusing to go into quarantine

48. Between March 1, 2020 and September 8, 2021, how many people have been taken in custody for refusing to go into quarantine – or breaking quarantine?
- (a) How many police hours were used to undertake these activities?
 - (b) What were the results of those incidents?

Answer:

One person has been taken into custody for refusing to go into quarantine and was charged with breaching the Public Health Order and other offences.

Police are unable to determine the number of hours spent on these activities as it forms part of other duties during the day.

Tweed Cross-border protests

49. In regard to the August 29 protests on the NSW-Queensland border:
- (a) What were the total number of arrests?
 - (b) What were the total number of charges laid by NSW Police?
 - i. Of those charges, how many were withdrawn or dropped?

Answer:

- (a) One person was arrested.
- (b) One person was charged with three offences.
 - i. Nil.

St Mary's COVID clinic attack

50. In regard to the August 28th attack on the St Mary's COVID testing clinic:
- (a) What is the NSW Police response to expert advice that the graffiti and slogans written on the wall were similar to those carried out by far-Right and neo-Nazi groups?
 - (b) As of September 9, have any arrests been made in relation to the attack?

Answer:

- a. It is acknowledged that the commentary in the graffiti appears to be 'far right' – anti-government commentary. There is no information available to indicate the involvement of a neo-Nazi group.
- b. The matter is under investigation, however, no arrests have been made to date.

Surveillance of the anti-vaccination movement

51. Have the NSW Police established any taskforces or unit to monitor or conduct surveillance over the anti-vaccination movement?
- (a) If yes, how many officers are assigned to this activity?
 - (b) If yes, how many charges were laid in relation to this activity?

Answer:

There has been no surveillance/team set up in the NSW Police Force to monitor any anti-vaccination groups.

5G Towers vandalism/attacks

52. At the Budget Estimates inquiry, Deputy Commissioner David Hudson referred to protests and attacks on 5G towers – in relation to extremist activity. Will you please detail:
- (a) How many attacks were carried out on 5G towers in NSW in 2019; 2020; and between January 1- September 1, 2021?
 - (b) What were the exact dates of those attacks?
 - (c) What were the nature of those attacks?
 - (d) Where any arrests made in relation to these attacks?
 - (e) What were the location of those attacks/incidents?
 - (f) Were arrests or charges laid in relation to those attacks?

- i. If yes, how many?

Answer:

Malicious Damage

Four incidents involving 5G towers have been recorded. These all relate to Strike Force Norn and the same Person of Interest in all instances, resulting in one arrest and four charges (arson). Next court date for this matter to be heard is on 29 September 2021. The incidents occurred on:

- 28 March 2021 at Glenmore Park, Claymore
- 18 April 2021 at Eschol Park
- 20 April 2021 at Glenmore Park, Claymore
- 6 May 2021 at Fullwood Reserve, Claymore.

Protests

Six protests have been recorded:

- 22 and 23 April 2020 – 5G protest at the Telstra Mobile Tower in Mullumbimby. Attended by 150 protestors. One person arrested and later released (no charge)
- 5 June 2020 – Millions Mullum March 5G and Anti-vaccination protest in Mullumbimby. Attracted 350–400 protestors. Nil Arrests.
- 26 September 2020 – Stop 5G Global Protest Day in Mullumbimby. Attracted 70 protestors. Nil arrests.
- 20 October 2020 – 5G Protest Byron Bay Industrial Estate (Telstra mobile tower). Attracted 200 protestors. Nil arrests.
- 31 May 2021 – 5G protest at Telstra site on North Creek Road in Lennox Head. Attracted 20 protestors. Nil arrests.
- 12 to 16 July 2021 – 5G protest at Telstra site on Pecan Court, Suffolk Park. Attracted 120 protestors. 15 people were arrested and 17 charges laid.

National Socialist Network

53. How many members are believed to be operating in NSW?

Answer:

It is estimated there are 15 members in NSW.

54. Have there been arrests made in NSW in relation to the National Socialist Network?
- (a) If yes, will you please detail:
- i. What were the nature of those arrests?
 - ii. How many charges were laid?

Answer:

One arrest has been made. This person has been charged with Possess Digital Blueprint for Manufacture of Firearms (*Firearms Act 1996*). This matter is now before the Court.

Infringement Notices

55. How many public health order infringement notices were issued by NSW Police from March 1, 2020 to April 30, 2021?
- (a) What percentage of those infringement notices were challenged?
- (b) What percentage of those infringement notices were dropped?

Answer:

From 1 March 2020 to 30 April 2021, a total of 2,655 infringement notices were issued. Of those, 2,559 infringement notices are currently being prosecuted (this number excludes duplicates, withdrawn/reissued fines, deleted and warnings).

(a) and (b) The NSW Police Force does not collect this information.

Individuals can lodge an objection or dispute an infringement notice through the Revenue NSW website at www.revenue.nsw.gov.au.

56. How many public health order infringement notices were issued by NSW Police from January 1, 2021 to August 31, 2021?
- (a) What percentage of those infringement notices were challenged?
- (b) What percentage of those infringement notices were dropped?

Answer:

From 1 January 2021 to 31 August 2021, a total of 34,649 infringement notices were issued. Of those, 34,627 infringement notices are currently being prosecuted (this number excludes duplicates, withdrawn/reissued fines, deleted and warnings).

(a) and (b) The NSW Police Force does not collect this information. Individuals can lodge an objection or dispute an infringement notice through the Revenue NSW website at www.revenue.nsw.gov.au.

COVID positive officers

57. As of September 9, 2021, how many NSW Police officers have tested COVID positive?
- (a) Of those officers, how many acquired COVID on duty?
 - (b) Of those officers, how many acquired COVID during the recent protests?
 - (c) Of those officers, how many acquired COVID making arrests or enforcing quarantine?
 - (d) Of those officers, how many acquired COVID through other means?

Answer:

As of 9 September 2021, there were 38 police officers (0.2% of all police officers) who tested positive to COVID-19.

- a) 18 police officers acquired COVID-19 during work hours.
 - b) According to available data, no officers contracted COVID-19 during recent protests.
 - c) Two police officers are believed to have acquired COVID19 whilst making an arrest. One Police Officer is believed to have acquired COVID-19 whilst enforcing quarantine.
 - d) 20 police officers acquired COVID-19 through other means.
58. As of September 9, 2021, how many NSW Police officers were forced to undergo isolation due to potential COVID-19 exposure?

Answer:

As of 9 September 2021, 359 police officers have undergone self-isolation due to potential COVID-19 exposure.

Police Commissioner Replacement

59. Given applications for the next Police Commissioner close on September 19, 2021 at 11.59pm, what is the date for the short-list of candidates to be provided to the selection panel?

Answer:

This question should be redirected to the Public Service Commission which is managing the recruitment process.

COVID Crisis Cabinet

60. How many meetings of the COVID Crisis Cabinet has the NSW Police Minister attended?

Answer:

The Minister refers to the Department of Premier and Cabinet's evidence provided in response to questions on 18 August 2021.

61. How many meetings of the COVID Crisis Cabinet has the NSW Police Commissioner attended?
62. What are the exact dates that the NSW Police Minister and/or the Police Commissioner attended these meetings?

Answer to question 61 and 62:

The NSW Police Force refers to the Department of Premier and Cabinet's evidence provided in response to questions on 18 August 2021. These responses have been approved by the Premier and are in line with M2006-08 Maintaining Confidentiality of Cabinet Documents and Other Cabinet Conventions.

Singleton Police Station

63. In the 2021-22 budget, the NSW Government said it was allocating \$12 million over two years to a new police station at Singleton, how much will be spent in 2021?
(a) How much will be spent in 2022?

Answer:

Preliminary planning has commenced for redevelopment of Singleton Police Station. The construction program will not be known until the main contract has been awarded. Investment prioritisation is for \$12 million over three years.

64. What is the planned opening date of the new Singleton Police station?

Answer:

The current scheduled completion date for the new Singleton Police Station is June 2024.

65. In the 2021-22 budget, the NSW Government said it would provide \$54.5 million for new police stations in Bega, Goulburn, Jindabyne, Perisher and Thredbo. What is the exact expenditure allocated to these five police stations (individually)?

Answer:

Expenditure will not be known until the end of the financial year.

Investment prioritisation over multiple financial years for each of the locations is:

- Bega \$13 million
- Goulburn \$25 million
- Jindabyne \$10 million
- Perisher \$2 million
- Thredbo \$1 million

Illicit drug crime

66. Have illicit drug arrests and seizure in NSW increased or decreased during 2020-2021 COVID outbreaks?

Answer:

See Table 8 attached for the breakdown of data.

67. What were the number of drug related arrests in 2019?

(a) What was the total value of the seizures in relation to these arrests?

Answer:

According to the Australian and New Zealand Standard Offence Classification (ANZSOC) Division 'Illicit Drug Offences', in 2019 there were a total of 23,417 Court Attendance Notices (CANs) issued.

ANZSOC is a uniform framework used by the Australian Bureau of Statistics (ABS) to record crime statistics.

(a) The value of drugs seized is not recorded in the COPS system.

68. What were the number of drug related arrests in 2020?

(a) What was the total value of the seizures in relation to these arrests?

Answer:

According to the ANZSOC Division 'Illicit Drug Offences', in 2020 there were a total of 23,877 CANs issued.

(a) The value of drugs seized is not recorded in the COPS system.

69. What were the number of drug related arrests in NSW between January 1, 2021 and August 31, 2021?

(a) What was the total value of the seizures in relation to these arrests?

Answer:

According to the ANZSOC Division 'Illicit Drug Offences', between 1 January 2021 and 31 August 2021, there were a total of 14,713 CANs issued.

(a) The value of drugs seized is not recorded in the COPS system.

Cocaine

70. Have cocaine arrests and seizure in NSW increased or decreased during 2020-2021 COVID outbreaks?

Answer:

See Table 9 for the breakdown of data.

71. What were the number of cocaine-related related arrests in 2019?

(a) What was the total value of the seizures in relation to these arrests?

Answer:

According to the ANZSOC Division 'Illicit Drug Offences' with Drug Name 'Cocaine' in 2019, there were a total of 2,559 CANs issued.

(a) The value of drugs seized is not recorded in the COPS system.

72. What were the number of cocaine-related related arrests in 2020?

(a) What was the total value of the seizures in relation to these arrests?

Answer:

According to the ANZSOC Division 'Illicit Drug Offences' with Drug Name 'Cocaine' in 2020, there were a total of 2,405 CANs issued.

(a) The value of drugs seized is not recorded in the COPS system.

73. What were the number of cocaine-related related arrests between January 1, 2021 and August 31, 2021?

(a) What was the total value of the seizures in relation to these arrests?

Answer:

According to the ANZSOC Division 'Illicit Drug Offences' with Drug Name 'Cocaine' between 1 January 2021 and 31 August 2021, there were a total of 1,631 CANs issued.

(a) The value of drugs seized is not recorded in the COPS system.

Ice

74. Have ice arrests and seizure in NSW increased or decreased during 2020-2021 COVID outbreaks?

Answer:

See Table 10 for the breakdown of data.

75. What were the number of cocaine-related related arrests in 2019?

(a) What was the total value of the seizures in relation to these arrests?

Answer:

According to the ANZSOC Division 'Illicit Drug Offences' with Drug Name 'Methyl/Amphetamine' in 2019, there were a total of 7,303 CANs issued.

(a) The value of drugs seized is not recorded in the COPS system.

76. What were the number of ice-related related arrests in 2020?

(a) What was the total value of the seizures in relation to these arrests?

Answer:

According to the ANZSOC Division 'Illicit Drug Offences' with Drug Name 'Methyl/Amphetamine' in 2020, there were a total of 7,387 CANs issued.

(a) The value of drugs seized is not recorded in the COPS system.

77. What were the number of ice-related related arrests between January 1, 2021 and August 31, 2021?

(a) What was the total value of the seizures in relation to these arrests?

Answer:

According to the ANZSOC Division 'Illicit Drug Offences' with Drug Name 'Methyl/Amphetamine' between 1 January 2021 and 31 August 2021, there were a total of 4,680 CANs issued.

(a) The value of drugs seized is not recorded in the COPS system.

Spending

78. For each department, agency, State-owned corporation or other body, and for each division of those bodies, if any, in your portfolio/cluster in FY 20/21 what was the total amount spent on each of the following categories?

(a) Indoor plants

(b) coffee and tea

(c) crockery

(d) kettles, sandwich presses and toasters

(e) alcohol

(f) cakes, muffins and pastries

- (g) computers, computer monitors and office chairs
- (h) office renovations and fit-outs
- (i) taxi and rideshare expenses
- (j) office equipment
- (k) office renovations or upgrades
- (l) hospitality
- (m) conferences
- (n) travel
- (o) accommodation
- (p) employee development and training activities
- (q) study assistance
- (r) travelling and meal expenses
- (s) temporary accommodation benefits - commercial and private
- (t) removal and storage expenses
- (u) education of children
- (v) reimbursement of transaction expenses (includes stamp duty, real estate costs for employee who is moving)
- (w) reimbursement of incidental costs (includes gas, electricity)
- (x) additional benefits

Answer:

All NSW Government agencies must comply with the NSW Procurement Policy Framework established under the *Public Works and Procurement Act 1912* to ensure value for money when procuring goods and services. Information about expenditure is available in agencies' annual reports which are prepared and tabled in accordance with the requirements of the *Annual Reports (Departments) Act 1985*, *Annual Reports (Statutory Bodies) Act 1984*, *Government Sector Finance Act 2018* and *Government Sector Audit Act 1983*.

It is not practicable to provide the specific data sought by the member within the limited timeframe for responding to supplementary questions. The member may, however, wish to make an informal request directly to the relevant agency for the information sought in accordance with section 8 of the *Government Information (Public Access) Act 2009*.

79. For each department, agency, State-owned corporation or other body, and for each division of those bodies, if any, in your portfolio/cluster, from FY 20/21 what are details (specific item, and total cost) of the top five most expensive occurrences of spending on each of the following categories?
- (a) indoor plants
 - (b) coffee and tea
 - (c) crockery
 - (d) kettles, sandwich presses and toasters
 - (e) alcohol
 - (f) cakes, muffins and pastries
 - (g) computers, computer monitors and office chairs
 - (h) office renovations and fit-outs
 - (i) taxi and rideshare expenses
 - (j) office equipment
 - (k) office renovations or upgrades
 - (l) hospitality
 - (m) conferences
 - (n) travel
 - (o) accommodation
 - (p) employee development and training activities
 - (q) study assistance
 - (r) travelling and meal expenses
 - (s) temporary accommodation benefits - commercial and private
 - (t) removal and storage expenses
 - (u) education of children
 - (v) reimbursement of transaction expenses (includes stamp duty, real estate costs for employee who is moving)
 - (w) reimbursement of incidental costs (includes gas, electricity)
 - (x) additional benefits

Answer:

All NSW Government agencies must comply with the NSW Procurement Policy Framework established under the *Public Works and Procurement Act 1912* to ensure value for money when procuring goods and services. Information about expenditure

is available in agencies' annual reports which are prepared and tabled in accordance with the requirements of the *Annual Reports (Departments) Act 1985*, *Annual Reports (Statutory Bodies) Act 1984*, *Government Sector Finance Act 2018* and *Government Sector Audit Act 1983*.

It is not practicable to provide the specific data sought by the member within the limited timeframe for responding to supplementary questions. The member may, however, wish to make an informal request directly to the relevant agency for the information sought in accordance with section 8 of the *Government Information (Public Access) Act 2009*.

Appendices

Table 1. Monthly breakdown of Adult Sexual Assault incidents by incident responsible PAC, 1 January - 31 August 2021

Incident Responsible PAC/PD	Event reported month							
	2021-01	2021-02	2021-03	2021-04	2021-05	2021-06	2021-07	2021-08
Auburn Pac	2	4	4	4	10	1	7	3
Bankstown	0	3	5	6	9	3	4	2
Barrier Pd	1	1	0	1	1	2	2	1
Blacktown	4	3	5	5	2	7	6	1
Blue Mountains	4	1	4	5	3	5	0	2
Brisbane Water	4	5	8	6	5	6	2	7
Burwood Pac	6	5	5	5	5	1	4	4
Camden Pac	6	1	4	2	2	9	0	1
Campbelltown City Pac	3	3	9	3	7	5	3	1
Campsie	5	1	2	0	5	3	1	2
Central North Pd	1	3	1	0	1	3	1	1
Central West Pd	3	5	4	2	2	3	0	2
Chifley Pd	0	1	8	6	2	3	4	5
Coffs/Clarence	12	9	14	2	8	8	5	6
Cumberland Pac	5	6	8	8	10	9	10	4
Eastern Beaches	7	10	16	3	3	3	4	6
Eastern Suburbs Pac	9	7	4	5	12	5	5	0
Fairfield City Pac	2	2	3	4	0	3	1	1
Hawkesbury	4	0	1	3	5	2	1	2
Hunter Valley Pd	2	2	6	6	5	2	5	2
Inner West Pac	4	4	10	5	8	7	2	2
Kings Cross	1	4	6	4	5	3	0	1
Kuring Gai	0	4	3	5	5	5	3	1
Lake Illawarra	6	6	5	5	7	5	6	2
Lake Macquarie	5	5	13	3	10	4	5	6
Leichhardt	0	3	5	7	5	7	1	0
Liverpool City Pac	3	7	10	8	7	4	6	3
Manning/Great Lakes	5	4	2	3	2	4	2	4
Mid North Coast	9	3	8	6	7	10	10	7
Monaro Pd	1	1	4	3	5	1	1	6
Mt Druitt	7	1	5	0	6	0	4	3
Murray River Pd	0	5	8	2	5	8	2	4
Murrumbidgee Pd	1	1	2	1	5	0	2	1
Nepean Pac	13	13	12	5	10	17	7	6
New England Pd	3	4	10	4	6	3	3	8
Newcastle City	3	12	16	7	11	7	7	10
North Shore Pac	3	4	6	13	6	3	7	1
Northern Beaches Pac	6	8	14	8	11	6	5	4
Orana Mid Western Pd	11	8	5	4	8	4	7	2
Oxley Pd	0	8	8	2	8	5	4	4
Parramatta	2	2	5	3	3	5	5	4
Port Stephens-Hunter Pd	2	10	11	4	8	9	5	3
Pt&Ps Marine Area Command	1	1	0	5	1	2	0	0
Richmond	4	10	5	5	6	7	5	4
Riverina Pd	2	5	11	6	9	7	9	5
Riverstone Pac	6	1	6	5	2	4	2	0
Ryde Pac	4	0	17	8	4	5	1	1
South Coast Pd	4	5	9	5	9	7	2	7
South Sydney Pac	2	8	6	7	6	9	6	5
St George Pac	3	8	4	6	8	8	3	2
Surry Hills	3	2	5	1	1	1	1	2
Sutherland Shire Pac	4	3	4	8	6	2	7	5
Sydney City Pac	7	4	16	5	5	9	1	6
The Hills	0	2	10	3	5	4	2	5
The Hume Pd	5	2	3	2	2	3	4	5
Tuggerah Lakes	11	7	4	4	7	7	5	5
Tweed/Byron	5	5	6	5	2	5	2	4
Unknown Lac	7	15	29	12	23	21	16	18
Wollongong	3	5	10	6	5	8	1	3
Grand Total	236	272	424	271	346	309	226	212

Table 2. Calendar year breakdown of Adult Sexual Assault incidents by incident responsible PAC, 1 January 2019 - 31 August 2021

Incident Responsible PAC/PD	Event reported year		
	2019	2020	2021*
Auburn Pac	34	32	35
Bankstown	57	46	32
Barrier Pd	13	27	9
Blacktown	32	60	33
Blue Mountains	23	37	24
Brisbane Water	60	58	43
Burwood Pac	44	30	35
Camden Pac	19	28	25
Campbelltown City Pac	52	66	34
Campsie	28	22	19
Central North Pd	16	10	11
Central West Pd	42	41	21
Chifley Pd	47	45	29
Coffs/Clarence	58	66	64
Cumberland Pac	49	69	60
Eastern Beaches	59	38	52
Eastern Suburbs Pac	68	49	47
Fairfield City Pac	58	35	16
Hawkesbury	23	27	18
Hunter Valley Pd	37	48	30
Inner West Pac	46	74	42
Kings Cross	29	38	24
Kuring Gai	30	25	26
Lake Illawarra	43	43	42
Lake Macquarie	65	71	51
Leichhardt	44	30	28
Liverpool City Pac	64	51	48
Manning/Great Lakes	30	26	26
Mid North Coast	42	58	60
Monaro Pd	19	15	22
Mt Druitt	53	59	26
Murray River Pd	37	44	34
Murrumbidgee Pd	20	22	13
Nepean Pac	95	100	83
New England Pd	56	42	41
Newcastle City	71	85	73
North Shore Pac	45	29	43
Northern Beaches Pac	57	44	62
Orana Mid Western Pd	54	70	49
Oxley Pd	65	48	39
Parramatta	45	36	29
Port Stephens-Hunter Pd	65	74	52
Pt&Ps Marine Area Command	7	14	10
Richmond	46	60	46
Riverina Pd	46	65	54
Riverstone Pac	43	52	26
Ryde Pac	22	28	40
South Coast Pd	71	56	48
South Sydney Pac	61	69	49
St George Pac	50	58	42
Surry Hills	31	34	16
Sutherland Shire Pac	32	48	39
Sydney City Pac	80	54	53
The Hills	31	35	31
The Hume Pd	33	36	26
Tuggerah Lakes	48	80	50
Tweed/Byron	48	40	34
Unknown Lac	90	78	141
Wollongong	56	52	41
Grand Total	2,689	2,777	2,296

*to 31 August 2021

Table 3. Monthly breakdown of Child Sexual Assault incidents by incident responsible PAC, 1 January 2021 - 31 August 2021

Incident Responsible PAC/PD	Event reported month							
	2021-01	2021-02	2021-03	2021-04	2021-05	2021-06	2021-07	2021-08
Auburn Pac	2	2	4	1	1	1	3	0
Bankstown	1	6	11	7	5	8	6	7
Barrier Pd	3	3	5	1	0	1	3	1
Blacktown	2	2	16	3	5	7	9	2
Blue Mountains	3	2	6	8	1	9	3	3
Brisbane Water	8	15	17	7	13	9	7	9
Burwood Pac	1	3	5	2	5	5	1	2
Camden Pac	1	5	7	4	3	7	3	4
Campbelltown City Pac	5	8	12	20	18	14	4	11
Campsie	1	4	3	2	0	2	2	0
Central North Pd	0	1	3	0	2	2	1	3
Central West Pd	6	12	14	9	8	6	8	8
Chifley Pd	6	7	9	11	5	9	3	6
Coffs/Clarence	10	20	11	12	10	14	5	10
Cumberland Pac	4	3	8	7	3	5	5	4
Eastern Beaches	5	1	6	4	8	2	3	4
Eastern Suburbs Pac	1	5	6	2	2	7	7	2
Fairfield City Pac	5	5	10	7	7	2	2	2
Hawkesbury	1	2	2	2	2	1	0	2
Hunter Valley Pd	4	7	15	8	10	6	10	5
Inner West Pac	1	2	5	5	3	3	2	3
Kings Cross	1	1	2	0	0	0	0	0
Kuring Gai	1	4	5	5	6	6	5	3
Lake Illawarra	6	17	12	4	8	11	6	6
Lake Macquarie	7	20	20	19	16	16	19	10
Leichhardt	1	5	11	3	1	2	5	0
Liverpool City Pac	1	20	13	7	9	3	2	7
Manning/Great Lakes	5	4	9	4	4	12	1	1
Mid North Coast	6	3	15	17	13	15	17	8
Monaro Pd	3	3	4	5	3	7	10	3
Mt Druitt	9	9	9	12	7	12	8	9
Murray River Pd	5	4	6	8	10	6	7	7
Murrumbidgee Pd	4	2	7	6	7	5	3	4
Nepean Pac	11	29	13	13	8	8	8	3
New England Pd	0	10	9	6	7	11	6	7
Newcastle City	6	15	17	8	18	7	4	10
North Shore Pac	5	2	9	4	6	2	5	1
Northern Beaches Pac	1	9	13	5	8	8	4	9
Orana Mid Western Pd	9	6	10	9	8	16	11	20
Oxley Pd	6	4	10	15	11	5	7	7
Parramatta	0	4	3	2	4	4	3	4
Port Stephens-Hunter Pd	13	18	29	19	15	18	16	4
Pt&Ps Marine Area Command	1	0	1	1	1	0	0	2
Richmond	6	6	20	7	14	8	6	10
Riverina Pd	5	13	17	8	6	7	15	5
Riverstone Pac	3	6	3	1	9	12	4	4
Ryde Pac	1	2	6	3	4	5	2	2
South Coast Pd	9	8	20	10	13	11	11	10
South Sydney Pac	0	2	3	1	2	0	4	1
St George Pac	0	6	2	7	4	4	6	4
Surry Hills	0	2	1	0	0	0	0	0
Sutherland Shire Pac	3	4	7	1	4	2	7	10
Sydney City Pac	1	2	1	0	0	1	2	0
The Hills	5	4	9	8	6	4	3	3
The Hume Pd	4	6	15	6	15	19	8	7
Tuggerah Lakes	5	15	21	7	21	16	6	8
Tweed/Byron	6	5	13	2	9	7	6	6
Unknown Lac	24	32	76	60	32	37	74	88
Wollongong	4	2	13	3	3	2	3	2
Grand Total	247	419	629	418	423	429	391	373

Table 4. Calendar year breakdown of Child Sexual assault incidents by incident responsible PAC, 1 January 2019 - 31 August 2021

Incident Responsible PAC/PD	Event reported year		
	2019	2020	2021*
Auburn Pac	24	25	14
Bankstown	75	68	51
Barrier Pd	30	41	17
Blacktown	48	96	46
Blue Mountains	33	39	35
Brisbane Water	85	85	85
Burwood Pac	27	33	24
Camden Pac	48	59	34
Campbelltown City Pac	130	147	92
Campsie	31	24	14
Central North Pd	41	29	12
Central West Pd	97	111	71
Chifley Pd	72	86	56
Coffs/Clarence	111	108	92
Cumberland Pac	40	65	39
Eastern Beaches	35	38	33
Eastern Suburbs Pac	31	27	32
Fairfield City Pac	70	84	40
Hawkesbury	25	39	12
Hunter Valley Pd	93	123	65
Inner West Pac	34	40	24
Kings Cross	5	5	4
Kuring Gai	42	65	35
Lake Illawarra	108	131	70
Lake Macquarie	168	186	127
Leichhardt	35	30	28
Liverpool City Pac	87	94	62
Manning/Great Lakes	76	92	40
Mid North Coast	95	128	94
Monaro Pd	30	41	38
Mt Druitt	94	132	75
Murray River Pd	67	93	53
Murrumbidgee Pd	53	58	38
Nepean Pac	146	159	93
New England Pd	104	86	56
Newcastle City	113	126	85
North Shore Pac	53	42	34
Northern Beaches Pac	73	90	57
Orana Mid Western Pd	119	127	89
Oxley Pd	102	98	65
Parramatta	33	40	24
Port Stephens-Hunter Pd	152	161	132
Pt&Ps Marine Area Command	24	15	6
Richmond	99	135	77
Riverina Pd	63	96	76
Riverstone Pac	50	52	42
Ryde Pac	24	38	25
South Coast Pd	107	129	92
South Sydney Pac	17	24	13
St George Pac	44	48	33
Surry Hills	7	5	3
Sutherland Shire Pac	64	65	38
Sydney City Pac	15	13	7
The Hills	37	56	42
The Hume Pd	97	88	80
Tuggerah Lakes	108	153	99
Tweed/Byron	57	61	54
Unknown Lac	124	124	423
Wollongong	44	44	32
Grand Total	3,916	4,497	3,329

*to 31 August 2021

Table 5. Monthly breakdown of Domestic Violence related incidents by incident responsible PAC, 1 January 2021 - 31 August 2021

Incident Responsible PAC/PD	Event reported month							
	2021-01	2021-02	2021-03	2021-04	2021-05	2021-06	2021-07	2021-08
Auburn Pac	171	159	177	136	127	145	180	133
Bankstown	405	304	366	388	462	372	312	329
Barrier Pd	278	193	237	171	222	172	173	181
Blacktown	375	289	358	357	306	287	280	277
Blue Mountains	82	95	126	104	94	98	83	91
Brisbane Water	372	301	313	262	298	299	307	336
Burwood Pac	179	162	179	205	158	145	163	167
Camden Pac	273	206	210	187	197	212	191	214
Campbelltown City Pac	491	413	449	449	466	402	364	346
Campsie	176	190	182	176	186	160	164	139
Central North Pd	201	215	182	196	221	164	179	214
Central West Pd	290	277	330	265	341	244	276	261
Chifley Pd	309	269	293	230	303	358	230	253
Coffs/Clarence	452	334	369	351	355	393	317	357
Cumberland Pac	417	371	395	394	410	375	332	291
Eastern Beaches	230	179	255	212	218	209	194	194
Eastern Suburbs Pac	98	100	101	137	109	110	134	111
Fairfield City Pac	375	355	334	340	337	343	301	362
Hawkesbury	129	124	116	95	133	101	123	110
Hunter Valley Pd	346	301	270	249	285	266	239	255
Inner West Pac	144	116	138	136	135	103	127	127
Kings Cross	46	54	43	46	56	50	51	34
Kuring Gai	147	97	138	130	176	113	151	130
Lake Illawarra	416	372	354	394	314	388	312	302
Lake Macquarie	460	382	472	349	385	346	383	379
Leichhardt	135	114	123	136	117	113	90	111
Liverpool City Pac	508	370	464	486	417	382	366	409
Manning/Great Lakes	270	224	269	209	209	237	201	204
Mid North Coast	428	400	367	374	360	377	351	335
Monaro Pd	151	156	125	166	138	121	131	158
Mt Druitt	475	409	428	409	425	408	401	428
Murray River Pd	315	325	296	282	300	278	285	258
Murrumbidgee Pd	243	176	221	190	223	193	165	173
Nepean Pac	674	586	609	540	620	494	475	529
New England Pd	404	357	342	302	350	310	350	372
Newcastle City	358	289	326	299	332	306	282	331
North Shore Pac	140	133	162	176	155	149	187	142
Northern Beaches Pac	196	193	221	194	217	163	190	195
Orana Mid Western Pd	546	486	522	509	472	445	443	446
Oxley Pd	392	313	355	347	376	362	266	319
Parramatta	147	131	133	138	169	147	127	131
Port Stephens-Hunter Pd	477	392	409	310	354	360	347	364
Pt&Ps Marine Area Command	3	4	2	6	2	2	2	1
Richmond	368	322	301	241	276	296	269	233
Riverina Pd	371	314	338	351	316	310	350	278
Riverstone Pac	242	223	233	214	203	240	222	212
Ryde Pac	227	163	179	194	214	160	161	192
South Coast Pd	499	403	408	356	421	408	378	430
South Sydney Pac	224	256	176	226	224	201	199	183
St George Pac	301	273	322	314	337	299	313	304
Surry Hills	48	53	52	30	26	43	38	38
Sutherland Shire Pac	371	306	317	269	257	288	311	273
Sydney City Pac	119	114	113	143	93	77	67	61
The Hills	169	162	185	194	230	153	163	164
The Hume Pd	225	206	203	272	202	185	211	245
Tuggerah Lakes	547	424	455	418	413	407	361	389
Tweed/Byron	246	241	212	206	190	235	177	214
Unknown Lac	33	42	57	38	39	53	29	21
Wollongong	265	194	222	187	192	196	172	195
Grand Total	16,979	14,612	15,534	14,685	15,163	14,253	13,646	13,931

Table 6. Calendar year breakdown of Domestic Violence related incidents by incident responsible PAC, 1 January 2019 - 31 August 2021

Incident Responsible PAC/PD	Event reported year		
	2019	2020	2021*
Auburn Pac	1,936	2,099	1,228
Bankstown	4,315	4,552	2,938
Barrier Pd	2,205	2,427	1,627
Blacktown	3,592	3,694	2,529
Blue Mountains	1,100	1,238	773
Brisbane Water	3,994	3,986	2,488
Burwood Pac	1,969	2,166	1,358
Camden Pac	2,715	2,654	1,690
Campbelltown City Pac	4,959	5,406	3,380
Campsie	1,981	2,191	1,373
Central North Pd	1,865	2,145	1,572
Central West Pd	3,139	3,251	2,284
Chifley Pd	2,849	3,245	2,245
Coffs/Clarence	3,916	4,491	2,928
Cumberland Pac	4,400	4,896	2,985
Eastern Beaches	2,533	2,623	1,691
Eastern Suburbs Pac	1,439	1,402	900
Fairfield City Pac	3,896	4,069	2,747
Hawkesbury	1,479	1,619	931
Hunter Valley Pd	3,154	3,441	2,211
Inner West Pac	1,625	1,623	1,026
Kings Cross	564	558	380
Kuring Gai	1,222	1,615	1,082
Lake Illawarra	4,084	4,246	2,852
Lake Macquarie	4,103	4,493	3,156
Leichhardt	1,257	1,396	939
Liverpool City Pac	4,969	5,270	3,402
Manning/Great Lakes	2,383	2,679	1,823
Mid North Coast	4,032	4,495	2,992
Monaro Pd	1,504	1,723	1,146
Mt Druitt	5,308	5,345	3,383
Murray River Pd	3,118	3,324	2,339
Murrumbidgee Pd	2,298	2,492	1,584
Nepean Pac	7,391	7,914	4,527
New England Pd	3,859	3,945	2,787
Newcastle City	3,723	4,104	2,523
North Shore Pac	1,536	1,820	1,244
Northern Beaches Pac	2,825	2,564	1,569
Orana Mid Western Pd	6,102	6,048	3,869
Oxley Pd	4,018	4,211	2,730
Parramatta	1,504	1,657	1,123
Port Stephens-Hunter Pd	4,303	4,502	3,013
Pt&Ps Marine Area Command	58	42	22
Richmond	2,890	3,198	2,306
Riverina Pd	3,986	4,203	2,628
Riverstone Pac	2,186	2,439	1,789
Ryde Pac	2,285	2,504	1,490
South Coast Pd	4,458	4,818	3,303
South Sydney Pac	2,456	2,736	1,689
St George Pac	3,732	3,941	2,463
Surry Hills	610	565	328
Sutherland Shire Pac	3,664	3,760	2,392
Sydney City Pac	1,082	1,245	787
The Hills	1,738	2,045	1,420
The Hume Pd	2,236	2,548	1,749
Tuggerah Lakes	5,223	5,516	3,414
Tweed/Byron	2,499	2,505	1,721
Unknown Lac	426	456	312
Wollongong	2,586	2,580	1,623
Grand Total	171,279	182,720	118,803

*to 31 August 2021

Table 7 - list of NSWPF Fact Sheets

Fact Sheet Name	Fact Sheet No.	Version No.	Document Date
Diagnosed Person - Self-Isolation Order	5	10	16 August 2021
Diagnosed Person - Self-Isolation Order	5	12	2 September 2021
Diagnosed Person - Self-Isolation Order	5	12.1	7 September 2021
Air Transportation Quarantine Direction	7	18	25 June 2021
Air Transportation Quarantine Direction	7	19	27 June 2021
Air Transportation Quarantine Direction	7	19.1	29 June 2021
Air Transportation Quarantine Direction	7	19.2	20 August 2021
Coughing and Spitting Direction	8	3	20 August 2021
Coughing and Spitting Direction	8	3.1	7 September 2021
Mandatory Face Coverings (Removed)	18	13.1	29 June 2021
Interstate Travellers from Affected Areas	22	14.3	11 June 2021
Interstate Travellers from Affected Areas	22	14.5	17 July 2021
Interstate Travellers from Affected Areas	22	15	31 July 2021
Interstate Travellers from Affected Areas	22	16	12 August 2021
Gathering Restrictions	23	2	2 June 2021
Greater Sydney Order (Removed)	27	3	26 June 2021
Temporary Movement and Gathering Restrictions	28	1	26 June 2021
Temporary Movement and Gathering Restrictions	28	2	26 June 2021
Temporary Movement and Gathering Restrictions	28	2.1	28 June 2021
Temporary Movement and Gathering Restrictions	28	2.3	30 June 2021
Temporary Movement and Gathering Restrictions	28	2.4	5 July 2021
Temporary Movement and Gathering Restrictions	28	2.5	6 July 2021
Temporary Movement and Gathering Restrictions	28	3	8 July 2021
Temporary Movement and Gathering Restrictions	28	4	9 July 2021
Temporary Movement and Gathering Restrictions	28	6	14 July 2021
Temporary Movement and Gathering Restrictions	28	6.1	15 July 2021
Temporary Movement and Gathering Restrictions	28	6.2	15 July 2021
Temporary Movement and Gathering Restrictions	28	6.3	18 July 2021
Temporary Movement and Gathering Restrictions	28	6.4	18 July 2021
Temporary Movement and Gathering Restrictions	28	6.5	20 July 2021
Temporary Movement and Gathering Restrictions	28	6.6	21 July 2021
Temporary Movement and Gathering Restrictions	28	6.8	23 July 2021
Temporary Movement and Gathering Restrictions	28	7	23 July 2021
Temporary Movement and Gathering Restrictions	28	7.1	27 July 2021
Temporary Movement and Gathering Restrictions	28	8.1	29 July 2021
Temporary Movement and Gathering Restrictions	28	9	29 July 2021
Temporary Movement and Gathering Restrictions	28	9.1	30 July 2021
Temporary Movement and Gathering Restrictions	28	9.2	2 August 2021
Temporary Movement and Gathering Restrictions	28	10	5 August 2021

Temporary Movement and Gathering Restrictions	28	11.1	9 August 2021
Temporary Movement and Gathering Restrictions	28	12	10 August 2021
Temporary Movement and Gathering Restrictions	28	12.1	11 August 2021
Temporary Movement and Gathering Restrictions	28	13	12 August 2021
Temporary Movement and Gathering Restrictions	28	14	14 August 2021
Temporary Movement and Gathering Restrictions	28	15	15 August 2021
Temporary Movement and Gathering Restrictions	28	15.1	16 August 2021
Temporary Movement and Gathering Restrictions	28	15.2	17 August 2021
Temporary Movement and Gathering Restrictions	28	15.3	18 August 2021
QR Codes	29	1	8 July 2021
QR Codes	29	3	5 August 2021
QR Codes	29	3.1	30 August 2021
Special Directions for Regional NSW	30	1	21 July 2021
Special Directions for Regional NSW	30	1.1	21 July 2021
Special Directions for Newcastle and Hunter	32	1	5 August 2021
Special Directions for Newcastle and Hunter	32	1.1	6 August 2021
Special Directions for Newcastle and Hunter	32	3	9 August 2021
Special Directions for Affected Regional Areas	32	5	11 August 2021
Special Direction for Affected Regional Areas	32	5.1	12 August 2021
Special Direction for Affected Regional Areas	32	5.2	15 August 2021
Special directions for Regional NSW Area	33	1	14 August 2021
Special directions for Regional NSW Area	33	2	16 August 2021
Special directions for Regional NSW Area	33	2.1	17 August 2021
Special directions for Regional NSW Area	33	2.2	18 August 2021
Special Directions for Regional NSW Exercise, Outdoor Recreation and Shopping Restrictions	34	2	21 August 2021
Special Directions for Greater Sydney Exercise, Outdoor Recreation and Shopping Restrictions	35	2	21 August 2021
Additional Restrictions for Delta Outbreak	36	1	20 August 2021
Additional Restrictions for Delta Outbreak	36	3	22 August 2021
Additional Restrictions for Delta Outbreak	36	3.1	23 August 2021
Additional Restrictions for Delta Outbreak	36	3.2	23 August 2021
Additional Restrictions for Delta Outbreak	36	3.3	24 August 2021
Additional Restrictions for Delta Outbreak	36	3.4	25 August 2021
Additional Restrictions for Delta Outbreak	36	3.5	25 August 2021
Additional Restrictions for Delta Outbreak	36	3.7	27 August 2021
Additional Restrictions for Delta Outbreak	36	3.9	30 August 2021
Additional Restrictions for Delta Outbreak	36	4	1 September 2021
Additional Restrictions for Delta Outbreak	36	4.1	1 September 2021

Additional Restrictions for Delta Outbreak	36	4.2	5 September 2021
Additional Restrictions for Delta Outbreak	36	4.5	10 September 2021
Additional Restrictions for Delta Outbreak	36	5	10 September 2021

**Table 8. Monthly breakdown of CANs issued for ANZSOC
Division 'Illicit Drug Offences' 1 January 2019-31 August 2021**

Legal Action Month	CANs
2019-01	2,297
2019-02	1,767
2019-03	1,889
2019-04	1,831
2019-05	2,039
2019-06	1,939
2019-07	1,829
2019-08	1,980
2019-09	1,847
2019-10	2,011
2019-11	1,887
2019-12	2,101
2020-01	2,035
2020-02	1,865
2020-03	1,902
2020-04	2,223
2020-05	2,918
2020-06	2,273
2020-07	2,001
2020-08	1,793
2020-09	1,711
2020-10	1,685
2020-11	1,555
2020-12	1,916
2021-01	2,017
2021-02	1,633
2021-03	1,879
2021-04	1,792
2021-05	1,925
2021-06	1,905
2021-07	1,762
2021-08	1,800
Shaded areas indicate lockdown period, i.e., 17 March 2020 - 15 May 2020 and 26 June 2021 - 31 August 2021	

Table 9. Monthly breakdown of CANs issued for ANZSOC Division 'Illicit Drug Offences' and Drug Name 'Cocaine' 1 January 2019-31 August 2021

Legal Action Month	CANs
2019-01	190
2019-02	170
2019-03	197
2019-04	203
2019-05	211
2019-06	206
2019-07	183
2019-08	218
2019-09	228
2019-10	210
2019-11	220
2019-12	323
2020-01	238
2020-02	199
2020-03	162
2020-04	117
2020-05	171
2020-06	184
2020-07	189
2020-08	179
2020-09	193
2020-10	218
2020-11	263
2020-12	292
2021-01	241
2021-02	220
2021-03	252
2021-04	226
2021-05	243
2021-06	226
2021-07	120
2021-08	103

Shaded areas indicate lockdown period, i.e., 17 March 2020 - 15 May 2020 and 26 June 2021 - 31 August 2021

Table 10. Monthly breakdown of CANs issued for ANZSOC Division 'Illicit Drug Offences' and Drug Name 'Methyl/Amphetamine' 1 January 2019-31 August 2021

Legal Action Month	CANs
2019-01	618
2019-02	528
2019-03	537
2019-04	536
2019-05	646
2019-06	668
2019-07	593
2019-08	706
2019-09	582
2019-10	648
2019-11	610
2019-12	631
2020-01	652
2020-02	563
2020-03	610
2020-04	878
2020-05	1,057
2020-06	661
2020-07	558
2020-08	516
2020-09	483
2020-10	442
2020-11	406
2020-12	561
2021-01	617
2021-02	510
2021-03	624
2021-04	565
2021-05	638
2021-06	595
2021-07	552
2021-08	579

Shaded areas indicate lockdown period, i.e., 17 March 2020 - 15 May 2020 and 26 June 2021 - 31 August 2021



ISSUE 5

Health Minister's COVID-19 Self-Isolation Direction Public Health Act 2010 (NSW)



FOR INTERNAL USE ONLY

The *Public Health (COVID-19 Self Isolation) Order 2021 (No 2)* commenced on 11 June 2021.

Direction to self-isolate

A person must self-isolate if the person:

- (a) has been **diagnosed with COVID-19**, or
- (b) is a **close contact** of a person diagnosed with COVID-19 and has been directed to self-isolate by an authorised contact tracer.

authorised contact tracer means a person engaged by NSW Health whose duties include the identification of persons who may have come into contact with a person with COVID-19, or notifying a person that they have been identified as a close contact.

close contact means a person identified by an authorised contact tracer as likely to have come into contact with a person with COVID-19, and at risk of developing COVID-19.

Diagnosed persons

A diagnosed person must, immediately after receiving the diagnosis, travel directly to:

- (a) a residence or other place that has been determined by a designated health practitioner; or
- (b) if determined necessary by a designated health practitioner, to a hospital for assessment by a medical practitioner. The person must travel directly home or to another place determined by a designated health practitioner after being discharged from the hospital; or
- (c) if the person is from another State or a Territory and a designated health practitioner considers it appropriate for the person to return to that State or Territory—a residence, hospital or other place in that State or Territory that has been determined by the designated health practitioner to be suitable for the person.

Designated health practitioner means a medical practitioner or registered nurse or paramedic.

A diagnosed person to whom (a) above applies or (b) above applies upon them being released from the hospital **must also**:

- (a) **remain** at home or determined place until medically cleared, and
- (b) provide their address and telephone number to the medical practitioner, and
- (c) comply with the NSW Health self-isolation guidelines for persons with COVID-19
<https://www.health.nsw.gov.au/Infectious/factsheets/Pages/advice-for-confirmed.aspx>

The diagnosed person **must not** permit any other person to enter their residence unless:

- (a) the other person usually lives at the residence or the other person is also complying with this direction; or
- (b) the entry is for medical or emergency purposes; or
- (c) entry to the place (other than a residence) is for the purpose of delivering food or essential items.

Close contacts

A person identified as a close contact must, if directed in writing by, or on behalf of, an authorised contact tracer:

- (a) travel directly home or to another place determined by the authorised contact tracer to be suitable, and
- (b) remain at the residence or other determined place for the period of time determined by the authorised contact tracer. This period of time must not exceed 14 days, and
- (c) provide their address and telephone number to the medical practitioner, and
- (d) comply with the NSW Health self-isolation guidelines for persons with COVID-19
<https://www.health.nsw.gov.au/Infectious/factsheets/Pages/advice-for-confirmed.aspx>

A close contact who has been directed to remain at a residence or determined place in NSW must, if directed in writing by an authorised medical practitioner:

- (a) Be tested for COVID-19 and provide information about the date, time and place of the test, or
- (b) Continue to remain at the place for a further period of up to 10 days as specified by the authorised medical practitioner.

The close contact **must not** permit any other person to enter their residence unless:

- (a) the other person usually lives at the residence or the other person is also complying with this direction; or
- (b) the entry is for medical or emergency purposes; or
- (c) entry to the place (other than a residence) is for the purpose of delivering food or essential items.

If the close contact is from another State or a Territory, a designated health practitioner may if considered appropriate to return to a residence, hospital or other place in that State or Territory that has been determined by the designated health practitioner.

Exceptions for both diagnosed persons and close contacts

A diagnosed person or close contact may only leave their residence during the self-isolation period:

- (a) for the purpose of obtaining medical care (including a test for COVID-19 for close contacts only) or medical supplies; or
- (b) in an emergency.

Suggested police response

If you receive a report that a COVID-19 sufferer or close contact is not staying home:

- (a) **Ascertain** whether the person has COVID-19 or is close contact by emailing the POC at **#COVIDCHECK**. The POC has access to NSW Health data that can confirm infection status.
- (b) **Call** the person reported as being in breach of this Direction (if you have a phone number).
- (c) **Inform** them that they have been reported for leaving self-isolation. Ask them why they left and tell them that it is an offence to leave their residence (unless it is an emergency or if they are obtaining medical care or medical supplies).
- (d) **Confirm** the person's name and address (s 112 *Public Health Act*) if the person is suspected to have contravened a Ministerial Direction. Police must still comply with the LEPRSA safeguards when exercising this power. If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under LEPRSA s99(1)(b)(iii) to establish identity and issue a CAN. However, consider your own safety before proceeding.
- (e) If the diagnosed person or close contact has provided their name and address, consider issuing a PIN.
- (f) Immediately notify the POC if you become aware that a person is continuing to breach self-isolation. The POC will notify NSW Health COVID-19 Operations who will consider whether to issue a public health order under s 62 of the *Public Health Act*. If a designated health practitioner issues a public health order and it is breached by the diagnosed person or close contact, you can arrest the person for

the purposes of returning them to their home, place named in the public health order or hospital under s 71A of the *Public Health Act*.

- (g) Put a COPS Event on the system including the action you have taken (use COPS incident category "Miscellaneous", sub-category "Public Health Act", operation name "Corona Virus 2020" and associated factor "Pandemic").
- (h) A CAN may be an appropriate response in some circumstances. Arrest should be a last resort.

Relationship of Order with Air Transportation & Maritime Quarantine Orders

The Self-Isolation Order prevails over any directions given under the Air Transportation Quarantine and Maritime Quarantine Orders to the extent of any inconsistency.

Offences

Police officers can issue a Penalty Notice or issue a CAN. You must prove that the person has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with self-isolation direction Reg Code BKK	97267	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with self-isolation direction	97267	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).



ISSUE 5

Health Minister's COVID-19 Self-Isolation Direction Public Health Act 2010 (NSW)



FOR INTERNAL USE ONLY

The *Public Health (COVID-19 Self Isolation) Order (No 3) 2021* commenced on 6 September 2021.

Direction to self-isolate

A person must self-isolate if the person:

- (a) has been **diagnosed with COVID-19**, or
- (b) is a **close contact** of a person diagnosed with COVID-19 and has been directed to self-isolate by an authorised contact tracer.

authorised contact tracer means a person engaged by NSW Health whose duties include the identification of persons who may have come into contact with a person with COVID-19, or notifying a person that they have been identified as a close contact.

close contact means a person identified by an authorised contact tracer as likely to have come into contact with a person with COVID-19, and at risk of developing COVID-19.

Diagnosed persons

A diagnosed person must, immediately after receiving the diagnosis, travel directly to:

- (a) a residence or other place that has been determined by a designated health practitioner; or
- (b) if determined necessary by a designated health practitioner, to a hospital for assessment by a medical practitioner. The person must travel directly home or to another place determined by a designated health practitioner after being discharged from the hospital; or
- (c) if the person is from another State or a Territory and a designated health practitioner considers it appropriate for the person to return to that State or Territory—a residence, hospital or other place in that State or Territory that has been determined by the designated health practitioner to be suitable for the person.

Designated health practitioner means a medical practitioner or registered nurse or paramedic.

A diagnosed person to whom (a) above applies or (b) above applies upon them being released from the hospital **must also**:

- (a) **remain** at home or determined place until medically cleared, and
- (b) provide their address and telephone number to the medical practitioner, and
- (c) comply with the NSW Health self-isolation guidelines for persons with COVID-19
<https://www.health.nsw.gov.au/Infectious/factsheets/Pages/advice-for-confirmed.aspx>

The diagnosed person **must not** permit any other person to enter their residence unless:

- (a) the other person usually lives at the residence or the other person is also complying with this direction; or
- (b) the entry is for medical or emergency purposes; or
- (c) entry to the place (other than a residence) is for the purpose of delivering food or essential items.

Close contacts

A person identified as a close contact must, if directed in writing by, or on behalf of, an authorised contact tracer:

- (a) travel directly home or to another place determined by the authorised contact tracer to be suitable, and
- (b) remain at the residence or other determined place for the period of time determined by the authorised contact tracer. This period of time must not exceed 14 days, and
- (c) provide their address and telephone number to the medical practitioner, and
- (d) comply with the NSW Health self-isolation guidelines for persons with COVID-19
<https://www.health.nsw.gov.au/Infectious/factsheets/Pages/advice-for-confirmed.aspx>

A close contact who has been directed to remain at a residence or determined place in NSW must, if directed in writing by an authorised medical practitioner:

- (a) Be tested for COVID-19 and provide information about the date, time and place of the test, or
- (b) Continue to remain at the place for a further period of up to 10 days as specified by the authorised medical practitioner.

The close contact **must not** permit any other person to enter their residence unless:

- (a) the other person usually lives at the residence or the other person is also complying with this direction; or
- (b) the entry is for medical or emergency purposes; or
- (c) entry to the place (other than a residence) is for the purpose of delivering food or essential items.

If the close contact is from another State or a Territory, a designated health practitioner may if considered appropriate to return to a residence, hospital or other place in that State or Territory that has been determined by the designated health practitioner.

Exceptions for both diagnosed persons and close contacts

A diagnosed person or close contact may only leave their residence during the self-isolation period:

- (a) for the purpose of obtaining medical care (including a test for COVID-19 for close contacts only) or medical supplies; or
- (b) in an emergency.

Responses to police requests about who is in COVID-19 risk premises

A **'COVID-19 risk premises'** is a residence or place at which a person diagnosed with COVID-19 or a close contact is residing.

A person who is residing or present at a COVID-19 risk premises must respond to any request made by a police officer for information about who is residing or present at the premises.

If a police officer knocks at a door of a COVID-19 risk premises, a resident is required to open the door and comply with the request of the officer. A request for information by the officer may include a request to provide the name and contact details of persons residing or present at the premises, whether at the time of the request or generally.

High COVID-19 risk premises

A "high COVID-19 risk premises" is a premises that has one of more dwellings and at least one is a COVID-19 risk premises and the Minister has declared by a notice published on the NSW Health website

that the premises should be closed following advice from a public health officer that there is a risk of transmission of COVID-19 between residents. This power has been delegated to the Commissioner.

If the Minister declares particular premises to be “High COVID-19 Risk Premises”, this stays in effect for 14 days unless the Minister revokes it earlier. The Minister must notify or make arrangements for residents and non-residents at the premises at the time of the declaration that the premises have been declared.

A person **living in the premises** (permanently or temporarily) must do the following:

- Not leave their residence during the period of the declaration, unless instructed to do so by either an authorised medical practitioner or by the Commissioner or in an emergency. A direction to leave can include a direction to go to a quarantine facility, hospital or other medical facility.
- If they are not in their residence in the declared premises at the time of the declaration, they must return to that residence immediately after they become aware of the declaration, unless a medical practitioner, registered nurse or paramedic decides they should instead go directly to a hospital for assessment.
- If they are directed to do so by the Commissioner, they must provide information that assists in identifying other people who live in the declared premises and non-residents who were in the premises at the time of the declaration. This information must be true and accurate
- If requested by an authorised medical practitioner, they must be tested for COVID-19
- If they refuse to comply with a request from an authorised medical practitioner to be tested for COVID-19, they must stay in their residence until they are medically cleared. During this time they are not permitted to leave their residence except under instructions from the Commissioner or an authorised medical practitioner, or because of an emergency that requires them to leave. They are also not to allow another person into their residence unless that person usually lives in the same residence, or the person is complying with a direction under the *Public Health (COVID-19 Self-Isolation) Order (No3) 2021*, or the person is entering for emergency reasons. They must comply with the NSW Health self-isolation guideline.

Where the Commissioner has made this declaration about particular premises, **non-residents** who were in the premises at the time of the declaration must:

- Comply with instructions given by the Commissioner or an authorised medical practitioner, including an instruction to go to a quarantine facility, hospital or other medical facility OR instructions to stay in the premises until medically cleared
- If requested by an authorised medical practitioner, they must be tested for COVID-19
- If the person is instructed to remain in the premises until medically cleared, the requirements listed above for residents apply to them as though they were a resident.

Where the Minister has made this declaration about particular premises, no-one is allowed to enter the premises other than:

- A person living in the premises who is returning after learning of the declaration
- A police officer
- Someone entering at the direction of a police officer
- Someone entering to provide medical treatment or care to a person living or staying in the premises
- Someone entering in connection with testing people living or staying in the premises for COVID-19
- Someone entering in connection with vaccinating people living or staying in the premises against COVID-19
- Someone entering to comply with a direction under the *Public Health (COVID-19 Self-Isolation) Order (No3) 2021*
- Someone entering to perform functions or provide services necessary for the ordinary operation of the premises
- Someone entering because of an emergency

A person involved in the management of High COVID-19 Risk Premises must, if directed by the Commissioner, provide information that assists in identifying both people who reside in the premises and non-residents who were present at the time of the declaration.

Suggested police response

If you receive a report that a COVID-19 sufferer or close contact is not staying home:

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- (c) **Inform** them that they have been reported for leaving self-isolation. Ask them why they left and tell them that it is an offence to leave their residence (unless it is an emergency or if they are obtaining medical care or medical supplies).
- (d) **Confirm** the person's name and address (s 112 *Public Health Act*) if the person is suspected to have contravened a Ministerial Direction. Police must still comply with the LEPRA safeguards when exercising this power. If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under LEPRA s99(1)(b)(iii) to establish identity and issue a CAN. However, consider your own safety before proceeding.
- (e) If the diagnosed person or close contact has provided their name and address, consider issuing a PIN.
- (f) Immediately notify the POC if you become aware that a person is continuing to breach self-isolation. The POC will notify NSW Health COVID-19 Operations who will consider whether to issue a public health order under s 62 of the *Public Health Act*. If a designated health practitioner issues a public health order and it is breached by the diagnosed person or close contact, you can arrest the person for the purposes of returning them to their home, place named in the public health order or hospital under s 71A of the *Public Health Act*.
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PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with self-isolation direction Reg Code BKK	97267	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with self-isolation direction	97267	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues

Further information

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ISSUE 5

Health Minister's COVID-19 Self-Isolation Direction *Public Health Act 2010 (NSW)*



FOR INTERNAL USE ONLY

The *Public Health (COVID-19 Self Isolation) Order (No 3) 2021* commenced on 6 September 2021.

Direction to self-isolate

A person must self-isolate if the person:

- (a) has been **diagnosed with COVID-19**, or
- (b) is a **close contact** of a person diagnosed with COVID-19 and has been directed to self-isolate by an authorised contact tracer.

authorised contact tracer means a person engaged by NSW Health whose duties include the identification of persons who may have come into contact with a person with COVID-19, or notifying a person that they have been identified as a close contact.

close contact means a person identified by an authorised contact tracer as likely to have come into contact with a person with COVID-19, and at risk of developing COVID-19.

Diagnosed persons

A diagnosed person must, immediately after receiving the diagnosis, travel directly to:

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- (c) if the person is from another State or a Territory and a designated health practitioner considers it appropriate for the person to return to that State or Territory—a residence, hospital or other place in that State or Territory that has been determined by the designated health practitioner to be suitable for the person.

Designated health practitioner means a medical practitioner or registered nurse or paramedic.

A diagnosed person to whom (a) above applies or (b) above applies upon them being released from the hospital **must also**:

- (a) **remain** at home or determined place until medically cleared, and
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- (c) entry to the place (other than a residence) is for the purpose of delivering food or essential items.

Close contacts

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- (a) travel directly home or to another place determined by the authorised contact tracer to be suitable, and
- (b) remain at the residence or other determined place for the period of time determined by the authorised contact tracer. This period of time must not exceed 14 days, and
- (c) provide their address and telephone number to the medical practitioner, and
- (d) comply with the NSW Health self-isolation guidelines for persons with COVID-19
<https://www.health.nsw.gov.au/Infectious/factsheets/Pages/advice-for-confirmed.aspx>

A close contact who has been directed to remain at a residence or determined place in NSW must, if directed in writing by an authorised medical practitioner:

- (a) Be tested for COVID-19 and provide information about the date, time and place of the test, or
- (b) Continue to remain at the place for a further period of up to 10 days as specified by the authorised medical practitioner.

The close contact **must not** permit any other person to enter their residence unless:

- (a) the other person usually lives at the residence or the other person is also complying with this direction; or
- (b) the entry is for medical or emergency purposes; or
- (c) entry to the place (other than a residence) is for the purpose of delivering food or essential items.

If the close contact is from another State or a Territory, a designated health practitioner may if considered appropriate to return to a residence, hospital or other place in that State or Territory that has been determined by the designated health practitioner.

Exceptions for both diagnosed persons and close contacts

A diagnosed person or close contact may only leave their residence during the self-isolation period:

- (a) for the purpose of obtaining medical care (including a test for COVID-19 for close contacts only) or medical supplies; or
- (b) in an emergency.

Responses to police requests about who is in COVID-19 risk premises

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If a police officer knocks at a door of a COVID-19 risk premises, a resident is required to open the door and comply with the request of the officer. A request for information by the officer may include a request to provide the name and contact details of persons residing or present at the premises, whether at the time of the request or generally.

High COVID-19 risk premises

A "high COVID-19 risk premises" is a premises that has one of more dwellings and at least one is a COVID-19 risk premises and the Minister has declared by a notice published on the NSW Health website

that the premises should be closed following advice from a public health officer that there is a risk of transmission of COVID-19 between residents. This power has been delegated to the Commissioner.

If the Minister declares particular premises to be “High COVID-19 Risk Premises”, this stays in effect for 14 days unless the Minister revokes it earlier. The Minister must notify or make arrangements for residents and non-residents at the premises at the time of the declaration that the premises have been declared.

A person **living in the premises** (permanently or temporarily) must do the following:

- Not leave their residence during the period of the declaration, unless instructed to do so by either an authorised medical practitioner or by the Commissioner or in an emergency. A direction to leave can include a direction to go to a quarantine facility, hospital or other medical facility.
- If they are not in their residence in the declared premises at the time of the declaration, they must return to that residence immediately after they become aware of the declaration, unless a medical practitioner, registered nurse or paramedic decides they should instead go directly to a hospital for assessment.
- If they are directed to do so by the Commissioner, they must provide information that assists in identifying other people who live in the declared premises and non-residents who were in the premises at the time of the declaration. This information must be true and accurate
- If requested by an authorised medical practitioner, they must be tested for COVID-19
- If they refuse to comply with a request from an authorised medical practitioner to be tested for COVID-19, they must stay in their residence until they are medically cleared. During this time they are not permitted to leave their residence except under instructions from the Commissioner or an authorised medical practitioner, or because of an emergency that requires them to leave. They are also not to allow another person into their residence unless that person usually lives in the same residence, or the person is complying with a direction under the *Public Health (COVID-19 Self-Isolation) Order (No3) 2021*, or the person is entering for emergency reasons. They must comply with the NSW Health self-isolation guideline.

Where the Commissioner has made this declaration about particular premises, **non-residents** who were in the premises at the time of the declaration must:

- Comply with instructions given by the Commissioner or an authorised medical practitioner, including an instruction to go to a quarantine facility, hospital or other medical facility OR instructions to stay in the premises until medically cleared
- If requested by an authorised medical practitioner, they must be tested for COVID-19
- If the person is instructed to remain in the premises until medically cleared, the requirements listed above for residents apply to them as though they were a resident.

Where the Minister has made this declaration about particular premises, no-one is allowed to enter the premises other than:

- A person living in the premises who is returning after learning of the declaration
- A police officer
- Someone entering at the direction of a police officer
- Someone entering to provide medical treatment or care to a person living or staying in the premises
- Someone entering in connection with testing people living or staying in the premises for COVID-19
- Someone entering in connection with vaccinating people living or staying in the premises against COVID-19
- Someone entering to comply with a direction under the *Public Health (COVID-19 Self-Isolation) Order (No3) 2021*
- Someone entering to perform functions or provide services necessary for the ordinary operation of the premises
- Someone entering because of an emergency

A person involved in the management of High COVID-19 Risk Premises must, if directed by the Commissioner, provide information that assists in identifying both people who reside in the premises and non-residents who were present at the time of the declaration.

Suggested police response

If you receive a report that a COVID-19 sufferer or close contact is not staying home:

- (a) **Ascertain** whether the person has COVID-19 or is close contact by emailing the POC at **#COVIDCHECK**. The POC has access to NSW Health data that can confirm infection status.
- (b) **Call** the person reported as being in breach of this Direction (if you have a phone number).
- (c) **Inform** them that they have been reported for leaving self-isolation. Ask them why they left and tell them that it is an offence to leave their residence (unless it is an emergency or if they are obtaining medical care or medical supplies).
- (d) **Confirm** the person's name and address (s 112 *Public Health Act*) if the person is suspected to have contravened a Ministerial Direction. Police must still comply with the LEPRSA safeguards when exercising this power. If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under LEPRSA s99(1)(b)(iii) to establish identity and issue a CAN. However, consider your own safety before proceeding.
- (e) If the diagnosed person or close contact has provided their name and address, consider issuing a PIN.
- (f) Immediately notify the POC if you become aware that a person is continuing to breach self-isolation. The POC will notify NSW Health COVID-19 Operations who will consider whether to issue a public health order under s 62 of the *Public Health Act*. If a designated health practitioner issues a public health order and it is breached by the diagnosed person or close contact, you can arrest the person for the purposes of returning them to their home, place named in the public health order or hospital under s 71A of the *Public Health Act*.
- (g) Put a COPS Event on the system including the action you have taken (use COPS incident category "Miscellaneous", sub-category "Public Health Act", operation name "Stay At Home 2021" and associated factor "Pandemic").
- (h) A CAN may be an appropriate response in some circumstances. Arrest should be a last resort.

Relationship of Order with Air Transportation & Maritime Quarantine Orders

The Self-Isolation Order prevails over any directions given under the Air Transportation Quarantine and Maritime Quarantine Orders to the extent of any inconsistency.

Offences

Police officers can issue a Penalty Notice or issue a CAN. You must prove that the person has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with self-isolation direction Reg Code BKK	97267	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with self-isolation direction	97267	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).



ISSUE 7
HEALTH MINISTER'S COVID-19
AIR TRANSPORTATION
QUARANTINE ORDER
Public Health Act 2010 (NSW)
FOR INTERNAL USE ONLY



The *Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) 2021* was amended on 25 June 2021.

Persons arriving in NSW by aircraft, including international flight crew members (other than flight crew from NZ and flight crew who are ordinarily residents of Australia)

A person (a “**relevant person**”) in the table below must, as determined by the Commissioner of Police:

- go directly to a quarantine facility specified by the Commissioner, or
- go directly to a medical facility for treatment.

▪ a person, including a flight crew member who does not ordinarily live in Australia, who:
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(a) arrives in NSW by aircraft (whether originating interstate or overseas) and who has within 14 days immediately before their arrival, been in a country other than Australia or New Zealand; or
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(b) arrives in NSW by aircraft from New Zealand and the aircraft has onboard (whether passenger or flight crew) someone who has, within 14 days immediately before their arrival, been in a country other than Australia, New Zealand, the Cook Islands or Niue.
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Additional Requirements

The person subject to the direction must also:

- comply with the Commissioner’s direction in relation to how the person travels to the quarantine or medical facility, and
- remain at the facility for the **quarantine period** which is until the following occurs (unless the Commissioner directs otherwise or in the case of an emergency):
 - at least 14 full days have passed and after testing the Chief Health Officer is satisfied the person is not a COVID-19 risk. In addition, for a person staying at a quarantine facility or medical facility, the Chief Health Officer must be satisfied that the person will be tested for COVID-19 2 days after leaving the facility. Where the person cannot be tested 2 days after leaving the facility for reasons outside of their control, the person must get tested as soon as practicable. (This will be managed by Health); or
 - 24 full days have passed; or
 - in the case of **flight crew only**, the crew member departs on an international flight (including via another State or Territory) where the person has done a COVID-19 test before leaving the airport on arrival in NSW and complied with any request of the Chief Health Officer to undergo COVID-19 testing before departure. The flight crew member’s employer must arrange transportation for travel to the airport or transiting at the airport and the flight crew must follow directions of the Commissioner; and
- comply with any conditions or directions given by the Commissioner which includes in relation to the remainder of a person’s quarantine period when the person leaves the quarantine facility due to an emergency.

Note: positioning crew will only be considered flight crew if they are on the flight manifest or have provided a letter from the airline indicating that they are flight crew and the date they leave Australia. Otherwise they are regarded as any other international traveller and must see out the quarantine period as such.

Persons arriving from New Zealand

A person who arrives in Australia from NZ must:

- give a written declaration to a member of NSW Health about whether the person has been in a country other than Australia or NZ in the previous 14 days; and
- must provide the person's contact details (name and telephone number or email address) to NSW Health.

It is a breach of the Health Minister's Direction for a person to give false or inaccurate information.

Persons who have visited a NZ COVID-19 Hotspot or who pose an unacceptable health risk

A NZ COVID-19 Hotspot means an area in NZ specified by the Chief Health Officer (CHO) as a NZ COVID-19 Hotspot by a notice published on the NSW Government website www.nsw.gov.au

There are currently no NZ COVID-19 Hotspots specified by the CHO.

The following requirements apply to a person who:

- arrives in NSW from interstate or overseas and who has not within 14 days before that arrival, been in a country other than Australia or New Zealand or
- arrives in NSW by aircraft from New Zealand and the aircraft has not had onboard (whether passenger or flight crew) someone who has, within 14 days immediately before their arrival, been in a country other than Australia or New Zealand,

but has:

- been in a NZ COVID-19 Hotspot in the past 14 days, or
- is assessed by the Chief Health Officer to pose an unacceptable public health risk of transmission of COVID-19.

These persons will be required to:

- immediately leave Australia by air, or
- go directly to a quarantine facility, or
- if medical treatment is required, go directly to a medical facility for treatment.

The person must also comply with any determination made by the Commissioner in relation to the person's transit at the airport and travel.

The person who is in a quarantine facility or medical facility must remain at the facility for the quarantine period and otherwise comply with the Order.

Flight crew who are NSW residents

Limitations on entering a quarantine facility and electronic recording of contact details

A person (other than a person who is quarantining) must not enter the quarantine facility unless the person is:

- a police officer
- entering at the direction of a police officer
- entering to provide medical treatment
- entering in response to an emergency
- carrying out functions that are necessary for the ordinary operation of the facility
- entering or accessing for the purposes of complying with a direction applicable to the person under the Self-Isolation Order.

An exemption has been issued which permits people who are not in quarantine to enter specific businesses (including specific bars and restaurants) that are located inside particular quarantine hotels. The exemption

is subject to conditions, including about entering and exiting the business. A copy of the exemption is on the NSW Police COVID-19 Fact Sheets intranet page.

A person who enters a quarantine facility must provide their details to the occupier of the premises by electronically registering via Service NSW using a mobile phone or other device at the time of entering.

This clause relates to a member of the flight crew (“**declared flight crew**”) who:

- has within 14 days immediately before the member’s arrival been in a country other than Australia or New Zealand or in a New Zealand COVID-19 Hotspot, and
- is ordinarily a resident of New South Wales, and
- has, before leaving the airport, undergone a test for COVID-19, and
- has provided to NSW Health:
 - their contact details including the address of their place of residence and telephone number or email address, and
 - a declaration that they have not been in contact in the last 14 days with a person with COVID-19 or had any COVID-19 symptoms in the last 72 hours, and
 - a declaration that they do not live with a designated worker (registered health practitioners, workers in a public or private hospital or aged care facility or NDIS worker).

If any of these steps are not undertaken they will be treated as international crew and taken to police managed hotel quarantine.

A flight crew member to whom this applies (and complies with the above conditions) must go directly to the member’s place of residence for the **quarantine period** which is until the first of the following happens:

- at least 14 full days have passed and after testing the Chief Health Officer is satisfied the person is not a COVID-19 risk AND the Chief Health Officer is satisfied that the person will be tested for COVID-19 2 days after leaving the member’s place of residence (there is an exemption where the person cannot be tested for reasons out of their control. This will be managed by Health); or
- 24 full days have passed; or
- the member departs on an international flight (including via another State or Territory) and has complied with any request of the Chief Health Officer to undergo COVID-19 testing before departure.

Flight crew under this clause must not leave their place of residence except to do the following:

- to undertake duties that are essential for safety or other regulatory reasons including, for example, flight simulation training or safety or security training, or
- for the purposes of obtaining medical care or medical supplies, or
- in an emergency situation.

Flight crew under this clause must also:

- not let another person enter their quarantine premises unless the person usually lives there, or it is for medical or emergency purposes;
- comply with the *NSW Health Air Transportation Guidelines*.

The employer of the flight crew is responsible for arranging approved transportation for the declared flight crew for travel to the member’s place of residence and ensuring the member complies with the *NSW Health Air Transportation Guidelines*.

“Approved transportation” means a transportation service provided by or on behalf of the ADF, or a transportation services for a declared flight crew member, provided by a person who has notified the Commissioner of Police of their name and contact details at least 48 hours before the transportation services is provided, or approved persons transportation of a flight crew member.

If, before the quarantine period ends, the member is departing Australia on a flight, the employer of the relevant flight crew member must arrange approved transportation to the airport for the member.

Flight crew under this clause may elect to go to, and stay at, a quarantine facility determined by the Commissioner of Police instead of the crew’s place of residence. If so, the flight crew must comply with the requirements of quarantining as if they were quarantined persons. The flight crew must remain at the facility and comply with any other conditions decided, or directions given, by the Commissioner of Police; and must provide the Chief Health Officer their contact and flight details prior to leaving the facility for the purposes of departing on an international flight. or in the case of flight crew who live interstate, departing on an

interstate flight out of NSW. Approved transport to the airport must be arranged for the flight crew by the employer.

Flight crew who are Australian interstate residents

Interstate flight crew who have within 14 days immediately before the member's arrival been in a country other than Australia or New Zealand, and who ordinarily reside in a state or territory of Australia, can leave the airport to travel to their home jurisdiction if they have not been in a New Zealand COVID-19 Hotspot and:

- they are tested for COVID prior to leaving the airport, and
- they provide NSW Health a declaration containing their contact details, a statement that they have not within the last 14 days been in contact with a person with COVID-19, and a statement that they have not had any COVID-19 symptoms in the last 72 hours, and
- they depart NSW on suitable transport arranged by the member's employer and the member has complied with any request of the Chief Health Officer to have a COVID-19 test before departure. Suitable transport means:
 - in a plane with no passengers other than other interstate crew, or
 - in the case of ACT residents only, in a private vehicle.

While travelling, the crew member must comply with the *Onward Domestic Travel of International Aircrew Guidelines*, and the member's employer must ensure there is compliance by the member.

If suitable transport cannot be arranged, the member must go to a quarantine facility and remain at the facility until –

- the member's employer arranges suitable transport to the member's residence, or
- the Commissioner directs otherwise, or
- there is an emergency that requires the member to leave the quarantine facility.

While remaining at the facility, the member must comply with any conditions decided, or directions given, by the Commissioner of Police.

Interstate flight crew who go into a quarantine facility must comply with the requirements of quarantining as if they were quarantined persons. The interstate flight crew must remain at the facility and comply with any other conditions decided, or directions given, by the Commissioner of Police; and must provide the Chief Health Officer their contact and flight details prior to leaving the facility for the purposes of departing on an interstate flight back home.

If a flight crew member to whom this clause applies fails to undergo/comply with COVID testing or providing NSW Health with the relevant declarations, they will be treated as international crew and taken to police managed hotel quarantine.

Flight crew who arrive from New Zealand

Air crew arriving on a flight from New Zealand will be required to provide a declaration about where they have been in the last 14 days. This is to determine if they have only been in Australia or New Zealand. If they have only been in Australia or New Zealand, they will not need to self-isolate or quarantine (unless they have been in a New Zealand COVID-19 Hotspot). However, if they have been to a New Zealand COVID-19 Hotspot or anywhere outside Australia or New Zealand, they will be treated the same as any other international flight crew.

Persons arriving in NSW by land

A person who arrives in NSW by land and who has been outside Australia or in NZ in the previous 14 days AND the Chief Health Officer has assessed the person as posing an unacceptable public health risk of transmission of COVID-19, must as determined by the Chief Health Officer:

- go to a quarantine facility, or
- go to a medical facility

In addition,

- the person must comply with any direction of the Chief Health Officer in relation to the person's transit to the quarantine facility or medical facility, and
- must comply with the directions of the Commissioner while at the facility.

Testing of workers in quarantine facilities

- "Designated quarantine facility workers" are police officers, persons entering the quarantine/medical facility to provide medical treatment or care to a person in the quarantine/medical facility, or persons who are carrying out services necessary for the ordinary operation of a quarantine/medical facility, including in relation to cleaning and security of the facility, and specified in the NSW Testing Program published on the NSW Health website ("the *NSW Testing Program*").
- A designated quarantine facility worker must not enter or remain in a quarantine facility for the purposes of carrying out their duties at a quarantine facility unless the worker is tested for COVID-19 in the course of carrying out their duties in accordance with the NSW Testing Program.
- Despite any testing requirement, a designated quarantine facility worker may enter a quarantine facility if otherwise directed by the Commissioner or Chief Health Officer.
- A designated quarantine facility worker must not enter a quarantine facility or carry out duties in the facility if the Chief Health Officer is satisfied the worker poses a risk of infecting another person with COVID-19.
- A person who employs a designated quarantine facility worker must not allow the worker to exercise functions or provide services in relation to a quarantine facility unless the worker is tested for COVID-19 as required.
- The employer must notify the Chief Health Officer, if the person is aware the worker has not been tested.

Testing of transportation providers

Definitions

- "Designated transportation provider" is a person who provides a transportation service to a relevant person to or from a quarantine facility or a medical facility, or to a declared flight crew member (defined above under Flight Crew who are NSW Residents) to or from the member's residence, and who are specified in the NSW Testing Program.
- A "relevant person" is a person who arrives in NSW by aircraft (interstate and overseas) as a flight crew member and has been in a country other than Australian and New Zealand in the last 14 days or a person who arrives in NSW from New Zealand and there is a person on the flight who has been in a country other than Australia, New Zealand, the Cooks Islands or Niue.
- "Approved personal transportation" of a declared flight crew member means the use of a private vehicle, that the declared flight crew member drives or rides to or from their residence, with no passengers.

Requirements

- A designated transportation provider must not provide a transportation service unless tested for COVID-19 in accordance with the NSW Testing Program including during the course of their duties.
- This does not apply to a declared flight crew member who uses approved personal transportation or a designated transportation provider providing a declared flight crew member with transportation to or from the member's residence for the purpose of seeking urgent medical assistance or medical supplies.
- Despite any testing requirement, a designated transportation provider may provide a transportation service if directed by the Commissioner or Chief Health Officer.
- A designated transportation provider must not provide a transport service if the Chief Health Officer is satisfied the worker poses a risk of infecting another person with COVID-19
- A designated transportation provider. a person who employs a designated transportation provider and a declared flight crew member who uses approved personal transport must comply with the NSW Health Air Transportation Guidelines.
- An employer of a designated transportation provider must not allow the provider, to exercise functions or provide the transportation services unless the worker is tested for COVID-19 as required.
- The employer must notify the Chief Health Officer, if aware that the provider has not been tested.

Testing of airport workers

- “Designated airport worker” is a person who in the course of the person’s employment, carries out functions or provides services at an airport and is specified in the NSW Testing Program.
- A designated airport worker must not carry out functions or provide services at an airport unless the person has been tested for COVID-19 in accordance with the NSW Testing Program including during the course of their duties.
- A designated airport worker who is not tested must not enter or remain at an airport to work at the airport unless the worker is tested for COVID-19 (whether at the airport or elsewhere).
- Despite any non-compliance with a testing requirement, a designated airport worker may enter, and work at an airport if so directed by the Commissioner or Chief Health Officer.
- A designated airport worker must not enter or work at an airport if the Chief Health Officer is satisfied the worker poses a risk of infecting another person with COVID-19.
- An employer of a designated airport worker must not allow the worker to exercise functions or provide services at an airport unless the worker is tested for COVID-19 as required.
- The employer must notify the Chief Health Officer, if aware the worker has not been tested.

COVID-19 vaccinations

THIS APPLIES FROM MIDDAY ON 28 JUNE 2021

- A “nominated worker” is a person specified in the NSW Airport and Quarantine Workers Vaccination Program, and is a police officer, a person entering or accessing a quarantine facility or for the purposes of providing medical treatment or care to a person, or a person exercising functions or providing services necessary for the ordinary operation of the quarantine facility, AND who:
 - in the course of the person’s employment, exercises functions or provides services in relation to the quarantine facility, OR
 - in the course of the person’s employment, provides a transportation service for a relevant person directly to or from a quarantine facility or medical facility, OR
 - in the course of the person’s employment, exercises functions or provides services at an airport.
- A nominated worker must not, in the course of their employment, exercise any functions or provide any services as outlined above unless they worker has received at least the first dose of a COVID-19 vaccine.
- This does not apply if a medical practitioner and the Chief Health Officer has certified that the nominated worker has a medical contraindication to the COVID-19 vaccine, or if the person who provides a transportation service to a relevant person is providing a declared flight crew member with a transportation service to or from the member’s residence for the purpose of seeking urgent medical assistance or medical supplies.
- An employer of a nominated worker must ensure that the worker complies with having at least the first dose of the COVID-19 vaccine.

Wearing of fitted face coverings

- A “fitted face covering” means a mask or other covering that fits securely around the face, and is designed or made to be worn over the person’s nose and mouth at all times, but does not apply to:
 - (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

Transportation of particular persons

- A relevant person and any other person in a vehicle with a relevant person, must wear a fitted face covering over the person’s nose and mouth at all times when the relevant person is being transported.
- This applies whether or not the relevant person is being transported to or from:
 - an airport, a quarantine facility or a medical facility, or
 - for a relevant person who is a relevant flight crew member—to a crew member’s residence.
- A person may remove a fitted face covering in the following circumstances:
 - the person is eating or drinking,
 - the person is communicating with another person who is deaf or hard of hearing,

- the person is asked to remove the fitted face covering to ascertain the person's identity, or
- because of an emergency.
- The person must resume wearing the fitted face covering as soon as practicable after the circumstance ends.

Quarantine facilities

- A quarantined person entering, remaining at or departing a quarantine facility must wear a fitted face covering over the person's nose and mouth at all times when:
 - (a) being transported to or from the quarantine facility, and
 - (b) at the quarantine facility, other than when the person is in their assigned room.
- A person who enters or remains at a quarantine facility (other than a quarantined person) must wear a fitted mask covering over the person's nose and mouth at all times when the person is at a quarantine facility. Such a person may remove a fitted face covering in the following circumstances:
 - (a) the person is a 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.
 - (b) the removal of the fitted face covering is necessary for the proper provision of the goods or service.
- A person transporting, or in or on a vehicle with, a quarantined person must wear a fitted mask covering the person's nose and mouth at all times while transporting the person.
- Generally, a person may remove a fitted face covering in the following circumstances:
 - the person is eating or drinking,
 - the person is communicating with another person who is deaf or hard of hearing,
 - the person is asked to remove the fitted face covering to ascertain the person's identity, or
 - because of an emergency.
- The person must resume wearing the fitted face covering as soon as practicable after the circumstance ends.

Direction – name and contact details of certain transportation service providers

- A "flight crew transport service provider" is a person who provides a transportation service to a declared flight crew member.
- A person who employs a flight crew transport service provider must notify the Commissioner of Police:
 - (a) within 48 hrs of 4:00pm on 25 June 2021, of the names and contact details of each flight crew transport service provider employed by the person immediately before 4:00pm on 25 June 2021, and
 - (b) for a person who will commence employment as a flight crew transport provider after 4:00pm on 25 June 2021 – of the name and contact details of the person, at least 48 hrs before the person commences employment.

Direction – directions of the Commissioner of Police

- A person who provides a transportation service to a relevant person must:
 - (a) comply with a direction of the Commissioner of Police at an airport or at a quarantine facility, and
 - (b) if requested by a police officer, provide the person's name and contact details.
- An employer of a person who provides a transportation service to a relevant person must, if requested by a police officer, provide the name and contact details of the person.

Transitional arrangements

- If immediately before the commencement of this Order a person was subject to a quarantine order under the repealed Order, the quarantine period continues under this Order as if the repealed Order remained in force, and
- Any designation or direction made by the Commissioner of Police under the repealed Order which is still in force continues as if it were made under this Order, and

- Any exemption granted by the Minister under the repealed Order continues as if it were granted under this Order, and
- Any delegation made for the purposes of the repealed Order that was in force continues as if it were made for the purposes of this Order.

Further information

- If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121). See *penalties table*.

Penalties

PENALTY NOTICE	7 Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	895638	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>



ISSUE 7
HEALTH MINISTER'S COVID-19
AIR TRANSPORTATION
QUARANTINE ORDER
Public Health Act 2010 (NSW)
FOR INTERNAL USE ONLY



The *Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) 2021* was amended on 25 June 2021.

Persons arriving in NSW by aircraft, including international flight crew members (other than flight crew from NZ and flight crew who are ordinarily residents of Australia)

A person (a “**relevant person**”) in the table below must, as determined by the Commissioner of Police:

- go directly to a quarantine facility specified by the Commissioner, or
- go directly to a medical facility for treatment.

▪ a person, including a flight crew member who does not ordinarily live in Australia, who:
--

(a) arrives in NSW by aircraft (whether originating interstate or overseas) and who has within 14 days immediately before their arrival, been in a country other than Australia or New Zealand; or
--

(b) arrives in NSW by aircraft from New Zealand and the aircraft has onboard (whether passenger or flight crew) someone who has, within 14 days immediately before their arrival, been in a country other than Australia, New Zealand, the Cook Islands or Niue.
--

Additional Requirements

The person subject to the direction must also:

- comply with the Commissioner’s direction in relation to how the person travels to the quarantine or medical facility, and
- remain at the facility for the **quarantine period** which is until the following occurs (unless the Commissioner directs otherwise or in the case of an emergency):
 - at least 14 full days have passed and after testing the Chief Health Officer is satisfied the person is not a COVID-19 risk. In addition, for a person staying at a quarantine facility or medical facility, the Chief Health Officer must be satisfied that the person will be tested for COVID-19 2 days after leaving the facility. Where the person cannot be tested 2 days after leaving the facility for reasons outside of their control, the person must get tested as soon as practicable. (This will be managed by Health); or
 - 24 full days have passed; or
 - in the case of **flight crew only**, the crew member departs on an international flight (including via another State or Territory) where the person has done a COVID-19 test before leaving the airport on arrival in NSW and complied with any request of the Chief Health Officer to undergo COVID-19 testing before departure. The flight crew member’s employer must arrange transportation for travel to the airport or transiting at the airport and the flight crew must follow directions of the Commissioner; and
- comply with any conditions or directions given by the Commissioner which includes in relation to the remainder of a person’s quarantine period when the person leaves the quarantine facility due to an emergency.

Note: positioning crew will only be considered flight crew if they are on the flight manifest or have provided a letter from the airline indicating that they are flight crew and the date they leave Australia. Otherwise they are regarded as any other international traveller and must see out the quarantine period as such.

Persons arriving from New Zealand

A person who arrives in Australia from NZ must:

- give a written declaration to a member of NSW Health about whether the person has been in a country other than Australia or NZ in the previous 14 days; and
- must provide the person's contact details (name and telephone number or email address) to NSW Health.

It is a breach of the Health Minister's Direction for a person to give false or inaccurate information.

Persons who have visited a NZ COVID-19 Hotspot or who pose an unacceptable health risk

A NZ COVID-19 Hotspot means an area in NZ specified by the Chief Health Officer (CHO) as a NZ COVID-19 Hotspot by a notice published on the NSW Government website www.nsw.gov.au

There are currently no NZ COVID-19 Hotspots specified by the CHO.

The following requirements apply to a person who:

- arrives in NSW from interstate or overseas and who has not within 14 days before that arrival, been in a country other than Australia or New Zealand or
- arrives in NSW by aircraft from New Zealand and the aircraft has not had onboard (whether passenger or flight crew) someone who has, within 14 days immediately before their arrival, been in a country other than Australia or New Zealand,

but has:

- been in a NZ COVID-19 Hotspot in the past 14 days, or
- is assessed by the Chief Health Officer to pose an unacceptable public health risk of transmission of COVID-19.

These persons will be required to:

- immediately leave Australia by air, or
- go directly to a quarantine facility, or
- if medical treatment is required, go directly to a medical facility for treatment.

The person must also comply with any determination made by the Commissioner in relation to the person's transit at the airport and travel.

The person who is in a quarantine facility or medical facility must remain at the facility for the quarantine period and otherwise comply with the Order.

Flight crew who are NSW residents

Limitations on entering a quarantine facility and electronic recording of contact details

A person (other than a person who is quarantining) must not enter the quarantine facility unless the person is:

- a police officer
- entering at the direction of a police officer
- entering to provide medical treatment
- entering in response to an emergency
- carrying out functions that are necessary for the ordinary operation of the facility
- entering or accessing for the purposes of complying with a direction applicable to the person under the Self-Isolation Order.

An exemption has been issued which permits people who are not in quarantine to enter specific businesses (including specific bars and restaurants) that are located inside particular quarantine hotels. The exemption

is subject to conditions, including about entering and exiting the business. A copy of the exemption is on the NSW Police COVID-19 Fact Sheets intranet page.

A person who enters a quarantine facility must provide their details to the occupier of the premises by electronically registering via Service NSW using a mobile phone or other device at the time of entering.

This clause relates to a member of the flight crew (“**declared flight crew**”) who:

- has within 14 days immediately before the member’s arrival been in a country other than Australia or New Zealand or in a New Zealand COVID-19 Hotspot, and
- is ordinarily a resident of New South Wales, and
- has, before leaving the airport, undergone a test for COVID-19, and
- has provided to NSW Health:
 - their contact details including the address of their place of residence and telephone number or email address, and
 - a declaration that they have not been in contact in the last 14 days with a person with COVID-19 or had any COVID-19 symptoms in the last 72 hours, and
 - a declaration that they do not live with a designated worker (registered health practitioners, workers in a public or private hospital or aged care facility or NDIS worker).

If any of these steps are not undertaken they will be treated as international crew and taken to police managed hotel quarantine.

A flight crew member to whom this applies (and complies with the above conditions) must go directly to the member's place of residence for the **quarantine period** which is until the first of the following happens:

- at least 14 full days have passed and after testing the Chief Health Officer is satisfied the person is not a COVID-19 risk AND the Chief Health Officer is satisfied that the person will be tested for COVID-19 2 days after leaving the member’s place of residence (there is an exemption where the person cannot be tested for reasons out of their control. This will be managed by Health); or
- 24 full days have passed; or
- the member departs on an international flight (including via another State or Territory) and has complied with any request of the Chief Health Officer to undergo COVID-19 testing before departure.

Flight crew under this clause must not leave their place of residence except to do the following:

- to undertake duties that are essential for safety or other regulatory reasons including, for example, flight simulation training or safety or security training, or
- for the purposes of obtaining medical care or medical supplies, or
- in an emergency situation.

Flight crew under this clause must also:

- not let another person enter their quarantine premises unless the person usually lives there, or it is for medical or emergency purposes;
- comply with the *NSW Health Air Transportation Guidelines*.

The employer of the flight crew is responsible for arranging approved transportation for the declared flight crew for travel to the member’s place of residence and ensuring the member complies with the *NSW Health Air Transportation Guidelines*.

“Approved transportation” means a transportation service provided by or on behalf of the ADF, or a transportation services for a declared flight crew member, provided by a person who has notified the Commissioner of Police of their name and contact details at least 48 hours before the transportation services is provided, or approved persons transportation of a flight crew member.

If, before the quarantine period ends, the member is departing Australia on a flight, the employer of the relevant flight crew member must arrange approved transportation to the airport for the member.

Flight crew under this clause may elect to go to, and stay at, a quarantine facility determined by the Commissioner of Police instead of the crew’s place of residence. If so, the flight crew must comply with the requirements of quarantining as if they were quarantined persons. The flight crew must remain at the facility and comply with any other conditions decided, or directions given, by the Commissioner of Police; and must provide the Chief Health Officer their contact and flight details prior to leaving the facility for the purposes of departing on an international flight. or in the case of flight crew who live interstate, departing on an

interstate flight out of NSW. Approved transport to the airport must be arranged for the flight crew by the employer.

Flight crew who are Australian interstate residents

Interstate flight crew who have within 14 days immediately before the member's arrival been in a country other than Australia or New Zealand, and who ordinarily reside in a state or territory of Australia, can leave the airport to travel to their home jurisdiction if they have not been in a New Zealand COVID-19 Hotspot and:

- they are tested for COVID prior to leaving the airport, and
- they provide NSW Health a declaration containing their contact details, a statement that they have not within the last 14 days been in contact with a person with COVID-19, and a statement that they have not had any COVID-19 symptoms in the last 72 hours, and
- they depart NSW on suitable transport arranged by the member's employer and the member has complied with any request of the Chief Health Officer to have a COVID-19 test before departure. Suitable transport means:
 - in a plane with no passengers other than other interstate crew, or
 - in the case of ACT residents only, in a private vehicle.

While travelling, the crew member must comply with the *Onward Domestic Travel of International Aircrew Guidelines*, and the member's employer must ensure there is compliance by the member.

If suitable transport cannot be arranged, the member must go to a quarantine facility and remain at the facility until –

- the member's employer arranges suitable transport to the member's residence, or
- the Commissioner directs otherwise, or
- there is an emergency that requires the member to leave the quarantine facility.

While remaining at the facility, the member must comply with any conditions decided, or directions given, by the Commissioner of Police.

Interstate flight crew who go into a quarantine facility must comply with the requirements of quarantining as if they were quarantined persons. The interstate flight crew must remain at the facility and comply with any other conditions decided, or directions given, by the Commissioner of Police; and must provide the Chief Health Officer their contact and flight details prior to leaving the facility for the purposes of departing on an interstate flight back home.

If a flight crew member to whom this clause applies fails to undergo/comply with COVID testing or providing NSW Health with the relevant declarations, they will be treated as international crew and taken to police managed hotel quarantine.

Flight crew who arrive from New Zealand

Air crew arriving on a flight from New Zealand will be required to provide a declaration about where they have been in the last 14 days. This is to determine if they have only been in Australia or New Zealand. If they have only been in Australia or New Zealand, they will not need to self-isolate or quarantine (unless they have been in a New Zealand COVID-19 Hotspot). However, if they have been to a New Zealand COVID-19 Hotspot or anywhere outside Australia or New Zealand, they will be treated the same as any other international flight crew.

Persons arriving in NSW by land

A person who arrives in NSW by land and who has been outside Australia or in NZ in the previous 14 days AND the Chief Health Officer has assessed the person as posing an unacceptable public health risk of transmission of COVID-19, must as determined by the Chief Health Officer:

- go to a quarantine facility, or
- go to a medical facility

In addition,

- the person must comply with any direction of the Chief Health Officer in relation to the person's transit to the quarantine facility or medical facility, and
- must comply with the directions of the Commissioner while at the facility.

Testing of workers in quarantine facilities

- "Designated quarantine facility workers" are police officers, persons entering the quarantine/medical facility to provide medical treatment or care to a person in the quarantine/medical facility, or persons who are carrying out services necessary for the ordinary operation of a quarantine/medical facility, including in relation to cleaning and security of the facility, and specified in the NSW Testing Program published on the NSW Health website ("the *NSW Testing Program*").
- A designated quarantine facility worker must not enter or remain in a quarantine facility for the purposes of carrying out their duties at a quarantine facility unless the worker is tested for COVID-19 in the course of carrying out their duties in accordance with the NSW Testing Program.
- Despite any testing requirement, a designated quarantine facility worker may enter a quarantine facility if otherwise directed by the Commissioner or Chief Health Officer.
- A designated quarantine facility worker must not enter a quarantine facility or carry out duties in the facility if the Chief Health Officer is satisfied the worker poses a risk of infecting another person with COVID-19.
- A person who employs a designated quarantine facility worker must not allow the worker to exercise functions or provide services in relation to a quarantine facility unless the worker is tested for COVID-19 as required.
- The employer must notify the Chief Health Officer, if the person is aware the worker has not been tested.

Testing of transportation providers

Definitions

- "Designated transportation provider" is a person who provides a transportation service to a relevant person to or from a quarantine facility or a medical facility, or to a declared flight crew member (defined above under Flight Crew who are NSW Residents) to or from the member's residence, and who are specified in the NSW Testing Program.
- A "relevant person" is a person who arrives in NSW by aircraft (interstate and overseas) as a flight crew member and has been in a country other than Australian and New Zealand in the last 14 days or a person who arrives in NSW from New Zealand and there is a person on the flight who has been in a country other than Australia, New Zealand, the Cooks Islands or Niue.
- "Approved personal transportation" of a declared flight crew member means the use of a private vehicle, that the declared flight crew member drives or rides to or from their residence, with no passengers.

Requirements

- A designated transportation provider must not provide a transportation service unless tested for COVID-19 in accordance with the NSW Testing Program including during the course of their duties.
- This does not apply to a declared flight crew member who uses approved personal transportation or a designated transportation provider providing a declared flight crew member with transportation to or from the member's residence for the purpose of seeking urgent medical assistance or medical supplies.
- Despite any testing requirement, a designated transportation provider may provide a transportation service if directed by the Commissioner or Chief Health Officer.
- A designated transportation provider must not provide a transport service if the Chief Health Officer is satisfied the worker poses a risk of infecting another person with COVID-19
- A designated transportation provider. a person who employs a designated transportation provider and a declared flight crew member who uses approved personal transport must comply with the NSW Health Air Transportation Guidelines.
- An employer of a designated transportation provider must not allow the provider, to exercise functions or provide the transportation services unless the worker is tested for COVID-19 as required.
- The employer must notify the Chief Health Officer, if aware that the provider has not been tested.

Testing of airport workers

- “Designated airport worker” is a person who in the course of the person’s employment, carries out functions or provides services at an airport and is specified in the NSW Testing Program.
- A designated airport worker must not carry out functions or provide services at an airport unless the person has been tested for COVID-19 in accordance with the NSW Testing Program including during the course of their duties.
- A designated airport worker who is not tested must not enter or remain at an airport to work at the airport unless the worker is tested for COVID-19 (whether at the airport or elsewhere).
- Despite any non-compliance with a testing requirement, a designated airport worker may enter, and work at an airport if so directed by the Commissioner or Chief Health Officer.
- A designated airport worker must not enter or work at an airport if the Chief Health Officer is satisfied the worker poses a risk of infecting another person with COVID-19.
- An employer of a designated airport worker must not allow the worker to exercise functions or provide services at an airport unless the worker is tested for COVID-19 as required.
- The employer must notify the Chief Health Officer, if aware the worker has not been tested.

COVID-19 vaccinations

THIS APPLIES FROM MIDDAY ON 28 JUNE 2021

- A “nominated worker” is a person specified in the NSW Airport and Quarantine Workers Vaccination Program, and is a police officer, a person entering or accessing a quarantine facility or for the purposes of providing medical treatment or care to a person, or a person exercising functions or providing services necessary for the ordinary operation of the quarantine facility, AND who:
 - in the course of the person’s employment, exercises functions or provides services in relation to the quarantine facility, OR
 - in the course of the person’s employment, provides a transportation service for a relevant person directly to or from a quarantine facility or medical facility, OR
 - in the course of the person’s employment, exercises functions or provides services at an airport.
- A nominated worker must not, in the course of their employment, exercise any functions or provide any services as outlined above unless they worker has received at least the first dose of a COVID-19 vaccine.
- This does not apply if a medical practitioner and the Chief Health Officer has certified that the nominated worker has a medical contraindication to the COVID-19 vaccine, or if the person who provides a transportation service to a relevant person is providing a declared flight crew member with a transportation service to or from the member’s residence for the purpose of seeking urgent medical assistance or medical supplies.
- An employer of a nominated worker must ensure that the worker complies with having at least the first dose of the COVID-19 vaccine.

Wearing of fitted face coverings

- A “fitted face covering” means a mask or other covering that fits securely around the face, and is designed or made to be worn over the person’s nose and mouth at all times, but does not apply to:
 - (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

Transportation of particular persons

- A relevant person and any other person in a vehicle with a relevant person, must wear a fitted face covering over the person’s nose and mouth at all times when the relevant person is being transported.
- This applies whether or not the relevant person is being transported to or from:
 - an airport, a quarantine facility or a medical facility, or
 - for a relevant person who is a relevant flight crew member—to a crew member’s residence.
- A person may remove a fitted face covering in the following circumstances:
 - the person is eating or drinking,
 - the person is communicating with another person who is deaf or hard of hearing,

- the person is asked to remove the fitted face covering to ascertain the person's identity, or
- because of an emergency.
- The person must resume wearing the fitted face covering as soon as practicable after the circumstance ends.

Quarantine facilities

- A quarantined person entering, remaining at or departing a quarantine facility must wear a fitted face covering over the person's nose and mouth at all times when:
 - (a) being transported to or from the quarantine facility, and
 - (b) at the quarantine facility, other than when the person is in their assigned room.
- A person who enters or remains at a quarantine facility (other than a quarantined person) must wear a fitted mask covering over the person's nose and mouth at all times when the person is at a quarantine facility. Such a person may remove a fitted face covering in the following circumstances:
 - (a) the person is a 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.
 - (b) the removal of the fitted face covering is necessary for the proper provision of the goods or service.
- A person transporting, or in or on a vehicle with, a quarantined person must wear a fitted mask covering the person's nose and mouth at all times while transporting the person.
- Generally, a person may remove a fitted face covering in the following circumstances:
 - the person is eating or drinking,
 - the person is communicating with another person who is deaf or hard of hearing,
 - the person is asked to remove the fitted face covering to ascertain the person's identity, or
 - because of an emergency.
- The person must resume wearing the fitted face covering as soon as practicable after the circumstance ends.

Direction – name and contact details of certain transportation service providers

- A "flight crew transport service provider" is a person who provides a transportation service to a declared flight crew member.
- A person who employs a flight crew transport service provider must notify the Commissioner of Police:
 - (a) within 48 hrs of 4:00pm on 25 June 2021, of the names and contact details of each flight crew transport service provider employed by the person immediately before 4:00pm on 25 June 2021, and
 - (b) for a person who will commence employment as a flight crew transport provider after 4:00pm on 25 June 2021 – of the name and contact details of the person, at least 48 hrs before the person commences employment.

Exemption: An employer is exempt from (a) above only if the name and contact details of each flight crew transport provider employed by the person is notified to the Commissioner of Police no later than 4pm on 28 June 2021.

Direction – directions of the Commissioner of Police

- A person who provides a transportation service to a relevant person must:
 - (a) comply with a direction of the Commissioner of Police at an airport or at a quarantine facility, and
 - (b) if requested by a police officer, provide the person's name and contact details.
- An employer of a person who provides a transportation service to a relevant person must, if requested by a police officer, provide the name and contact details of the person.

Transitional arrangements

- If immediately before the commencement of this Order a person was subject to a quarantine order under the repealed Order, the quarantine period continues under this Order as if the repealed Order remained in force, and
- Any designation or direction made by the Commissioner of Police under the repealed Order which is still in force continues as if it were made under this Order, and
- Any exemption granted by the Minister under the repealed Order continues as if it were granted under this Order, and
- Any delegation made for the purposes of the repealed Order that was in force continues as if it were made for the purposes of this Order.

Further information

- If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121). See *penalties table*.

Penalties

PENALTY NOTICE	7 Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	895638	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues



ISSUE 7
HEALTH MINISTER'S COVID-19
AIR TRANSPORTATION
QUARANTINE ORDER
Public Health Act 2010 (NSW)
FOR INTERNAL USE ONLY



The *Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) 2021* was amended on 25 June 2021.

Persons arriving in NSW by aircraft, including international flight crew members (other than flight crew from NZ and flight crew who are ordinarily residents of Australia)

A person (a “**relevant person**”) in the table below must, as determined by the Commissioner of Police:

- go directly to a quarantine facility specified by the Commissioner, or
- go directly to a medical facility for treatment.

▪ a person, including a flight crew member who does not ordinarily live in Australia, who:
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(a) arrives in NSW by aircraft (whether originating interstate or overseas) and who has within 14 days immediately before their arrival, been in a country other than Australia or New Zealand; or
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(b) arrives in NSW by aircraft from New Zealand and the aircraft has onboard (whether passenger or flight crew) someone who has, within 14 days immediately before their arrival, been in a country other than Australia, New Zealand, the Cook Islands or Niue.
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Additional Requirements

The person subject to the direction must also:

- comply with the Commissioner’s direction in relation to how the person travels to the quarantine or medical facility, and
- remain at the facility for the **quarantine period** which is until the following occurs (unless the Commissioner directs otherwise or in the case of an emergency):
 - at least 14 full days have passed and after testing the Chief Health Officer is satisfied the person is not a COVID-19 risk. In addition, for a person staying at a quarantine facility or medical facility, the Chief Health Officer must be satisfied that the person will be tested for COVID-19 2 days after leaving the facility. Where the person cannot be tested 2 days after leaving the facility for reasons outside of their control, the person must get tested as soon as practicable. (This will be managed by Health); or
 - 24 full days have passed; or
 - in the case of **flight crew only**, the crew member departs on an international flight (including via another State or Territory) where the person has done a COVID-19 test before leaving the airport on arrival in NSW and complied with any request of the Chief Health Officer to undergo COVID-19 testing before departure. The flight crew member’s employer must arrange transportation for travel to the airport or transiting at the airport and the flight crew must follow directions of the Commissioner; and
- comply with any conditions or directions given by the Commissioner which includes in relation to the remainder of a person’s quarantine period when the person leaves the quarantine facility due to an emergency.

Note: positioning crew will only be considered flight crew if they are on the flight manifest or have provided a letter from the airline indicating that they are flight crew and the date they leave Australia. Otherwise they are regarded as any other international traveller and must see out the quarantine period as such.

Persons arriving from New Zealand

A person who arrives in Australia from NZ must:

- give a written declaration to a member of NSW Health about whether the person has been in a country other than Australia or NZ in the previous 14 days; and
- must provide the person's contact details (name and telephone number or email address) to NSW Health.

It is a breach of the Health Minister's Direction for a person to give false or inaccurate information.

Persons who have visited a NZ COVID-19 Hotspot or who pose an unacceptable health risk

A NZ COVID-19 Hotspot means an area in NZ specified by the Chief Health Officer (CHO) as a NZ COVID-19 Hotspot by a notice published on the NSW Government website www.nsw.gov.au

There are currently no NZ COVID-19 Hotspots specified by the CHO.

The following requirements apply to a person who:

- arrives in NSW from interstate or overseas and who has not within 14 days before that arrival, been in a country other than Australia or New Zealand or
- arrives in NSW by aircraft from New Zealand and the aircraft has not had onboard (whether passenger or flight crew) someone who has, within 14 days immediately before their arrival, been in a country other than Australia or New Zealand,

but has:

- been in a NZ COVID-19 Hotspot in the past 14 days, or
- is assessed by the Chief Health Officer to pose an unacceptable public health risk of transmission of COVID-19.

These persons will be required to:

- immediately leave Australia by air, or
- go directly to a quarantine facility, or
- if medical treatment is required, go directly to a medical facility for treatment.

The person must also comply with any determination made by the Commissioner in relation to the person's transit at the airport and travel.

The person who is in a quarantine facility or medical facility must remain at the facility for the quarantine period and otherwise comply with the Order.

Flight crew who are NSW residents

Limitations on entering a quarantine facility and electronic recording of contact details

A person (other than a person who is quarantining) must not enter the quarantine facility unless the person is:

- a police officer
- entering at the direction of a police officer
- entering to provide medical treatment
- entering in response to an emergency
- carrying out functions that are necessary for the ordinary operation of the facility
- entering or accessing for the purposes of complying with a direction applicable to the person under the Self-Isolation Order.

An exemption has been issued which permits people who are not in quarantine to enter specific businesses (including specific bars and restaurants) that are located inside particular quarantine hotels. The exemption

is subject to conditions, including about entering and exiting the business. A copy of the exemption is on the NSW Police COVID-19 Fact Sheets intranet page.

A person who enters a quarantine facility must provide their details to the occupier of the premises by electronically registering via Service NSW using a mobile phone or other device at the time of entering.

This clause relates to a member of the flight crew (“**declared flight crew**”) who:

- has within 14 days immediately before the member’s arrival been in a country other than Australia or New Zealand or in a New Zealand COVID-19 Hotspot, and
- is ordinarily a resident of New South Wales, and
- has, before leaving the airport, undergone a test for COVID-19, and
- has provided to NSW Health:
 - their contact details including the address of their place of residence and telephone number or email address, and
 - a declaration that they have not been in contact in the last 14 days with a person with COVID-19 or had any COVID-19 symptoms in the last 72 hours, and
 - a declaration that they do not live with a designated worker (registered health practitioners, workers in a public or private hospital or aged care facility or NDIS worker).

If any of these steps are not undertaken they will be treated as international crew and taken to police managed hotel quarantine.

A flight crew member to whom this applies (and complies with the above conditions) must go directly to the member’s place of residence for the **quarantine period** which is until the first of the following happens:

- at least 14 full days have passed and after testing the Chief Health Officer is satisfied the person is not a COVID-19 risk AND the Chief Health Officer is satisfied that the person will be tested for COVID-19 2 days after leaving the member’s place of residence (there is an exemption where the person cannot be tested for reasons out of their control. This will be managed by Health); or
- 24 full days have passed; or
- the member departs on an international flight (including via another State or Territory) and has complied with any request of the Chief Health Officer to undergo COVID-19 testing before departure.

Flight crew under this clause must not leave their place of residence except to do the following:

- to undertake duties that are essential for safety or other regulatory reasons including, for example, flight simulation training or safety or security training, or
- for the purposes of obtaining medical care or medical supplies, or
- in an emergency situation.

Flight crew under this clause must also:

- not let another person enter their quarantine premises unless the person usually lives there, or it is for medical or emergency purposes;
- comply with the *NSW Health Air Transportation Guidelines*.

The employer of the flight crew is responsible for arranging approved transportation for the declared flight crew for travel to the member’s place of residence and ensuring the member complies with the *NSW Health Air Transportation Guidelines*.

“Approved transportation” means a transportation service provided by or on behalf of the ADF, or a transportation services for a declared flight crew member, provided by a person who has notified the Commissioner of Police of their name and contact details at least 48 hours before the transportation services is provided, or approved persons transportation of a flight crew member.

If, before the quarantine period ends, the member is departing Australia on a flight, the employer of the relevant flight crew member must arrange approved transportation to the airport for the member.

Flight crew under this clause may elect to go to, and stay at, a quarantine facility determined by the Commissioner of Police instead of the crew’s place of residence. If so, the flight crew must comply with the requirements of quarantining as if they were quarantined persons. The flight crew must remain at the facility and comply with any other conditions decided, or directions given, by the Commissioner of Police; and must provide the Chief Health Officer their contact and flight details prior to leaving the facility for the purposes of departing on an international flight. or in the case of flight crew who live interstate, departing on an

interstate flight out of NSW. Approved transport to the airport must be arranged for the flight crew by the employer.

Flight crew who are Australian interstate residents

Interstate flight crew who have within 14 days immediately before the member's arrival been in a country other than Australia or New Zealand, and who ordinarily reside in a state or territory of Australia, can leave the airport to travel to their home jurisdiction if they have not been in a New Zealand COVID-19 Hotspot and:

- they are tested for COVID prior to leaving the airport, and
- they provide NSW Health a declaration containing their contact details, a statement that they have not within the last 14 days been in contact with a person with COVID-19, and a statement that they have not had any COVID-19 symptoms in the last 72 hours, and
- they depart NSW on suitable transport arranged by the member's employer and the member has complied with any request of the Chief Health Officer to have a COVID-19 test before departure. Suitable transport means:
 - in a plane with no passengers other than other interstate crew, or
 - in the case of ACT residents only, in a private vehicle.

While travelling, the crew member must comply with the *Onward Domestic Travel of International Aircrew Guidelines*, and the member's employer must ensure there is compliance by the member.

If suitable transport cannot be arranged, the member must go to a quarantine facility and remain at the facility until –

- the member's employer arranges suitable transport to the member's residence, or
- the Commissioner directs otherwise, or
- there is an emergency that requires the member to leave the quarantine facility.

While remaining at the facility, the member must comply with any conditions decided, or directions given, by the Commissioner of Police.

Interstate flight crew who go into a quarantine facility must comply with the requirements of quarantining as if they were quarantined persons. The interstate flight crew must remain at the facility and comply with any other conditions decided, or directions given, by the Commissioner of Police; and must provide the Chief Health Officer their contact and flight details prior to leaving the facility for the purposes of departing on an interstate flight back home.

If a flight crew member to whom this clause applies fails to undergo/comply with COVID testing or providing NSW Health with the relevant declarations, they will be treated as international crew and taken to police managed hotel quarantine.

Flight crew who arrive from New Zealand

Air crew arriving on a flight from New Zealand will be required to provide a declaration about where they have been in the last 14 days. This is to determine if they have only been in Australia or New Zealand. If they have only been in Australia or New Zealand, they will not need to self-isolate or quarantine (unless they have been in a New Zealand COVID-19 Hotspot). However, if they have been to a New Zealand COVID-19 Hotspot or anywhere outside Australia or New Zealand, they will be treated the same as any other international flight crew.

Persons arriving in NSW by land

A person who arrives in NSW by land and who has been outside Australia or in NZ in the previous 14 days AND the Chief Health Officer has assessed the person as posing an unacceptable public health risk of transmission of COVID-19, must as determined by the Chief Health Officer:

- go to a quarantine facility, or
- go to a medical facility

In addition,

- the person must comply with any direction of the Chief Health Officer in relation to the person's transit to the quarantine facility or medical facility, and
- must comply with the directions of the Commissioner while at the facility.

Testing of workers in quarantine facilities

- "Designated quarantine facility workers" are police officers, persons entering the quarantine/medical facility to provide medical treatment or care to a person in the quarantine/medical facility, or persons who are carrying out services necessary for the ordinary operation of a quarantine/medical facility, including in relation to cleaning and security of the facility, and specified in the NSW Testing Program published on the NSW Health website ("the *NSW Testing Program*").
- A designated quarantine facility worker must not enter or remain in a quarantine facility for the purposes of carrying out their duties at a quarantine facility unless the worker is tested for COVID-19 in the course of carrying out their duties in accordance with the NSW Testing Program.
- Despite any testing requirement, a designated quarantine facility worker may enter a quarantine facility if otherwise directed by the Commissioner or Chief Health Officer.
- A designated quarantine facility worker must not enter a quarantine facility or carry out duties in the facility if the Chief Health Officer is satisfied the worker poses a risk of infecting another person with COVID-19.
- A person who employs a designated quarantine facility worker must not allow the worker to exercise functions or provide services in relation to a quarantine facility unless the worker is tested for COVID-19 as required.
- The employer must notify the Chief Health Officer, if the person is aware the worker has not been tested.

Testing of transportation providers

Definitions

- "Designated transportation provider" is a person who provides a transportation service to a relevant person to or from a quarantine facility or a medical facility, or to a declared flight crew member (defined above under Flight Crew who are NSW Residents) to or from the member's residence, and who are specified in the NSW Testing Program.
- A "relevant person" is a person who arrives in NSW by aircraft (interstate and overseas) as a flight crew member and has been in a country other than Australian and New Zealand in the last 14 days or a person who arrives in NSW from New Zealand and there is a person on the flight who has been in a country other than Australia, New Zealand, the Cooks Islands or Niue.
- "Approved personal transportation" of a declared flight crew member means the use of a private vehicle, that the declared flight crew member drives or rides to or from their residence, with no passengers.

Requirements

- A designated transportation provider must not provide a transportation service unless tested for COVID-19 in accordance with the NSW Testing Program including during the course of their duties.
- This does not apply to a declared flight crew member who uses approved personal transportation or a designated transportation provider providing a declared flight crew member with transportation to or from the member's residence for the purpose of seeking urgent medical assistance or medical supplies.
- Despite any testing requirement, a designated transportation provider may provide a transportation service if directed by the Commissioner or Chief Health Officer.
- A designated transportation provider must not provide a transport service if the Chief Health Officer is satisfied the worker poses a risk of infecting another person with COVID-19
- A designated transportation provider. a person who employs a designated transportation provider and a declared flight crew member who uses approved personal transport must comply with the NSW Health Air Transportation Guidelines.
- An employer of a designated transportation provider must not allow the provider, to exercise functions or provide the transportation services unless the worker is tested for COVID-19 as required.
- The employer must notify the Chief Health Officer, if aware that the provider has not been tested.

Testing of airport workers

- “Designated airport worker” is a person who in the course of the person’s employment, carries out functions or provides services at an airport and is specified in the NSW Testing Program.
- A designated airport worker must not carry out functions or provide services at an airport unless the person has been tested for COVID-19 in accordance with the NSW Testing Program including during the course of their duties.
- A designated airport worker who is not tested must not enter or remain at an airport to work at the airport unless the worker is tested for COVID-19 (whether at the airport or elsewhere).
- Despite any non-compliance with a testing requirement, a designated airport worker may enter, and work at an airport if so directed by the Commissioner or Chief Health Officer.
- A designated airport worker must not enter or work at an airport if the Chief Health Officer is satisfied the worker poses a risk of infecting another person with COVID-19.
- An employer of a designated airport worker must not allow the worker to exercise functions or provide services at an airport unless the worker is tested for COVID-19 as required.
- The employer must notify the Chief Health Officer, if aware the worker has not been tested.

COVID-19 vaccinations

THIS APPLIES FROM MIDDAY ON 28 JUNE 2021

- A “nominated worker” is a person specified in the NSW Airport and Quarantine Workers Vaccination Program, and is a police officer, a person entering or accessing a quarantine facility or for the purposes of providing medical treatment or care to a person, or a person exercising functions or providing services necessary for the ordinary operation of the quarantine facility, AND who:
 - in the course of the person’s employment, exercises functions or provides services in relation to the quarantine facility, OR
 - in the course of the person’s employment, provides a transportation service for a relevant person directly to or from a quarantine facility or medical facility, OR
 - in the course of the person’s employment, exercises functions or provides services at an airport.
- A nominated worker must not, in the course of their employment, exercise any functions or provide any services as outlined above unless they worker has received at least the first dose of a COVID-19 vaccine.
- This does not apply if a medical practitioner and the Chief Health Officer has certified that the nominated worker has a medical contraindication to the COVID-19 vaccine, or if the person who provides a transportation service to a relevant person is providing a declared flight crew member with a transportation service to or from the member’s residence for the purpose of seeking urgent medical assistance or medical supplies.
- An employer of a nominated worker must ensure that the worker complies with having at least the first dose of the COVID-19 vaccine.

Exemption: a nominated worker who has arranged to receive (and must actually receive) their first COVID-19 vaccination dose by 6 July 2021 (“Exempt worker”) is exempt from the above requirements. The Exempt worker must be able to provide records to their employer, NSW Health, or a police officer about the date and location of their first vaccination dose.

An employer is exempt from ensuring the Exempt worker complies with the above requirements.

Wearing of fitted face coverings

- A “fitted face covering” means a mask or other covering that fits securely around the face, and is designed or made to be worn over the person’s nose and mouth at all times, but does not apply to:
 - (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

Transportation of particular persons

- A relevant person and any other person in a vehicle with a relevant person, must wear a fitted face covering over the person’s nose and mouth at all times when the relevant person is being transported.

- This applies whether or not the relevant person is being transported to or from:
 - an airport, a quarantine facility or a medical facility, or
 - for a relevant person who is a relevant flight crew member—to a crew member’s residence.
- A person may remove a fitted face covering in the following circumstances:
 - the person is eating or drinking,
 - the person is communicating with another person who is deaf or hard of hearing,
 - the person is asked to remove the fitted face covering to ascertain the person’s identity, or
 - because of an emergency.
- The person must resume wearing the fitted face covering as soon as practicable after the circumstance ends.

Quarantine facilities

- A quarantined person entering, remaining at or departing a quarantine facility must wear a fitted face covering over the person’s nose and mouth at all times when:
 - (a) being transported to or from the quarantine facility, and
 - (b) at the quarantine facility, other than when the person is in their assigned room.
- A person who enters or remains at a quarantine facility (other than a quarantined person) must wear a fitted mask covering over the person’s nose and mouth at all times when the person is at a quarantine facility. Such a person may remove a fitted face covering in the following circumstances:
 - (a) the person is a 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.
 - (b) the removal of the fitted face covering is necessary for the proper provision of the goods or service.
- A person transporting, or in or on a vehicle with, a quarantined person must wear a fitted mask covering the person’s nose and mouth at all times while transporting the person.
- Generally, a person may remove a fitted face covering in the following circumstances:
 - the person is eating or drinking,
 - the person is communicating with another person who is deaf or hard of hearing,
 - the person is asked to remove the fitted face covering to ascertain the person’s identity, or
 - because of an emergency.
- The person must resume wearing the fitted face covering as soon as practicable after the circumstance ends.

Direction – name and contact details of certain transportation service providers

- A “flight crew transport service provider” is a person who provides a transportation service to a declared flight crew member.
- A person who employs a flight crew transport service provider must notify the Commissioner of Police:
 - (a) within 48 hrs of 4:00pm on 25 June 2021, of the names and contact details of each flight crew transport service provider employed by the person immediately before 4:00pm on 25 June 2021, and
 - (b) for a person who will commence employment as a flight crew transport provider after 4:00pm on 25 June 2021 – of the name and contact details of the person, at least 48 hrs before the person commences employment.

Direction – directions of the Commissioner of Police

- A person who provides a transportation service to a relevant person must:
 - (a) comply with a direction of the Commissioner of Police at an airport or at a quarantine facility, and
 - (b) if requested by a police officer, provide the person’s name and contact details.
- An employer of a person who provides a transportation service to a relevant person must, if requested by a police officer, provide the name and contact details of the person.

Transitional arrangements

- If immediately before the commencement of this Order a person was subject to a quarantine order under the repealed Order, the quarantine period continues under this Order as if the repealed Order remained in force, and
- Any designation or direction made by the Commissioner of Police under the repealed Order which is still in force continues as if it were made under this Order, and
- Any exemption granted by the Minister under the repealed Order continues as if it were granted under this Order, and
- Any delegation made for the purposes of the repealed Order that was in force continues as if it were made for the purposes of this Order.

Further information

- If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121). See *penalties table*.

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breach)	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation (other than face covering breach)	895638	\$5,000
Nominated worker not vaccinated provide prescribed services	96995	\$1,000
Employer not ensure worker vaccinated as required	96996 (Individual) 896996 (Corporation)	\$1,000 \$5,000
Fail to comply with face covering directive	96960 (individual) 896960 (corporation)	\$200 \$1000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
For offences above	Per above	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues



ISSUE 7
HEALTH MINISTER'S COVID-19
AIR TRANSPORTATION
QUARANTINE ORDER
Public Health Act 2010 (NSW)
FOR INTERNAL USE ONLY



The *Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) 2021* was amended on 25 June 2021.

Persons arriving in NSW by aircraft, including international flight crew members (other than flight crew from NZ and flight crew who are ordinarily residents of Australia)

A person (a “**relevant person**”) in the table below must, as determined by the Commissioner of Police:

- go directly to a quarantine facility specified by the Commissioner, or
- go directly to a medical facility for treatment.

▪ a person, including a flight crew member who does not ordinarily live in Australia, who:
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(a) arrives in NSW by aircraft (whether originating interstate or overseas) and who has within 14 days immediately before their arrival, been in a country other than Australia or New Zealand; or
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(b) arrives in NSW by aircraft from New Zealand and the aircraft has onboard (whether passenger or flight crew) someone who has, within 14 days immediately before their arrival, been in a country other than Australia, New Zealand, the Cook Islands or Niue.
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Additional Requirements

The person subject to the direction must also:

- comply with the Commissioner’s direction in relation to how the person travels to the quarantine or medical facility, and
- remain at the facility for the **quarantine period** which is until the following occurs (unless the Commissioner directs otherwise or in the case of an emergency):
 - at least 14 full days have passed and after testing the Chief Health Officer is satisfied the person is not a COVID-19 risk. In addition, for a person staying at a quarantine facility or medical facility, the Chief Health Officer must be satisfied that the person will be tested for COVID-19 2 days after leaving the facility. Where the person cannot be tested 2 days after leaving the facility for reasons outside of their control, the person must get tested as soon as practicable. (This will be managed by Health); or
 - 24 full days have passed; or
 - in the case of **flight crew only**, the crew member departs on an international flight (including via another State or Territory) where the person has done a COVID-19 test before leaving the airport on arrival in NSW and complied with any request of the Chief Health Officer to undergo COVID-19 testing before departure. The flight crew member’s employer must arrange transportation for travel to the airport or transiting at the airport and the flight crew must follow directions of the Commissioner; and
- comply with any conditions or directions given by the Commissioner which includes in relation to the remainder of a person’s quarantine period when the person leaves the quarantine facility due to an emergency.

Note: positioning crew will only be considered flight crew if they are on the flight manifest or have provided a letter from the airline indicating that they are flight crew and the date they leave Australia. Otherwise they are regarded as any other international traveller and must see out the quarantine period as such.

Persons arriving from New Zealand

A person who arrives in Australia from NZ must:

- give a written declaration to a member of NSW Health about whether the person has been in a country other than Australia or NZ in the previous 14 days; and
- must provide the person's contact details (name and telephone number or email address) to NSW Health.

It is a breach of the Health Minister's Direction for a person to give false or inaccurate information.

Persons who have visited a NZ COVID-19 Hotspot or who pose an unacceptable health risk

A NZ COVID-19 Hotspot means an area in NZ specified by the Chief Health Officer (CHO) as a NZ COVID-19 Hotspot by a notice published on the NSW Government website www.nsw.gov.au

All areas of New Zealand are currently a COVID-19 Hotspot

The following requirements apply to a person who:

- arrives in NSW from interstate or overseas and who has not within 14 days before that arrival, been in a country other than Australia or New Zealand or
- arrives in NSW by aircraft from New Zealand and the aircraft has not had onboard (whether passenger or flight crew) someone who has, within 14 days immediately before their arrival, been in a country other than Australia or New Zealand,

but has:

- been in a NZ COVID-19 Hotspot in the past 14 days, or
- is assessed by the Chief Health Officer to pose an unacceptable public health risk of transmission of COVID-19.

These persons will be required to:

- immediately leave Australia by air, or
- go directly to a quarantine facility, or
- if medical treatment is required, go directly to a medical facility for treatment.

The person must also comply with any determination made by the Commissioner in relation to the person's transit at the airport and travel.

The person who is in a quarantine facility or medical facility must remain at the facility for the quarantine period and otherwise comply with the Order.

Flight crew who are NSW residents

Limitations on entering a quarantine facility and electronic recording of contact details

A person (other than a person who is quarantining) must not enter the quarantine facility unless the person is:

- a police officer
- entering at the direction of a police officer
- entering to provide medical treatment
- entering in response to an emergency
- carrying out functions that are necessary for the ordinary operation of the facility
- entering or accessing for the purposes of complying with a direction applicable to the person under the Self-Isolation Order.

An exemption has been issued which permits people who are not in quarantine to enter specific businesses (including specific bars and restaurants) that are located inside particular quarantine hotels. The exemption

is subject to conditions, including about entering and exiting the business. A copy of the exemption is on the NSW Police COVID-19 Fact Sheets intranet page.

A person who enters a quarantine facility must provide their details to the occupier of the premises by electronically registering via Service NSW using a mobile phone or other device at the time of entering.

This clause relates to a member of the flight crew (“**declared flight crew**”) who:

- has within 14 days immediately before the member’s arrival been in a country other than Australia or New Zealand or in a New Zealand COVID-19 Hotspot, and
- is ordinarily a resident of New South Wales, and
- has, before leaving the airport, undergone a test for COVID-19, and
- has provided to NSW Health:
 - their contact details including the address of their place of residence and telephone number or email address, and
 - a declaration that they have not been in contact in the last 14 days with a person with COVID-19 or had any COVID-19 symptoms in the last 72 hours, and
 - a declaration that they do not live with a designated worker (registered health practitioners, workers in a public or private hospital or aged care facility or NDIS worker).

If any of these steps are not undertaken they will be treated as international crew and taken to police managed hotel quarantine.

A flight crew member to whom this applies (and complies with the above conditions) must go directly to the member’s place of residence for the **quarantine period** which is until the first of the following happens:

- at least 14 full days have passed and after testing the Chief Health Officer is satisfied the person is not a COVID-19 risk AND the Chief Health Officer is satisfied that the person will be tested for COVID-19 2 days after leaving the member’s place of residence (there is an exemption where the person cannot be tested for reasons out of their control. This will be managed by Health); or
- 24 full days have passed; or
- the member departs on an international flight (including via another State or Territory) and has complied with any request of the Chief Health Officer to undergo COVID-19 testing before departure.

Flight crew under this clause must not leave their place of residence except to do the following:

- to undertake duties that are essential for safety or other regulatory reasons including, for example, flight simulation training or safety or security training, or
- for the purposes of obtaining medical care or medical supplies, or
- in an emergency situation.

Flight crew under this clause must also:

- not let another person enter their quarantine premises unless the person usually lives there, or it is for medical or emergency purposes;
- comply with the *NSW Health Air Transportation Guidelines*.

The employer of the flight crew is responsible for arranging approved transportation for the declared flight crew for travel to the member’s place of residence and ensuring the member complies with the *NSW Health Air Transportation Guidelines*.

“Approved transportation” means a transportation service provided by or on behalf of the ADF, or a transportation services for a declared flight crew member, provided by a person who has notified the Commissioner of Police of their name and contact details at least 48 hours before the transportation services is provided, or approved persons transportation of a flight crew member.

If, before the quarantine period ends, the member is departing Australia on a flight, the employer of the relevant flight crew member must arrange approved transportation to the airport for the member.

Flight crew under this clause may elect to go to, and stay at, a quarantine facility determined by the Commissioner of Police instead of the crew’s place of residence. If so, the flight crew must comply with the requirements of quarantining as if they were quarantined persons. The flight crew must remain at the facility and comply with any other conditions decided, or directions given, by the Commissioner of Police; and must provide the Chief Health Officer their contact and flight details prior to leaving the facility for the purposes of departing on an international flight. or in the case of flight crew who live interstate, departing on an

interstate flight out of NSW. Approved transport to the airport must be arranged for the flight crew by the employer.

Flight crew who are Australian interstate residents

Interstate flight crew who have within 14 days immediately before the member's arrival been in a country other than Australia or New Zealand, and who ordinarily reside in a state or territory of Australia, can leave the airport to travel to their home jurisdiction if they have not been in a New Zealand COVID-19 Hotspot and:

- they are tested for COVID prior to leaving the airport, and
- they provide NSW Health a declaration containing their contact details, a statement that they have not within the last 14 days been in contact with a person with COVID-19, and a statement that they have not had any COVID-19 symptoms in the last 72 hours, and
- they depart NSW on suitable transport arranged by the member's employer and the member has complied with any request of the Chief Health Officer to have a COVID-19 test before departure. Suitable transport means:
 - in a plane with no passengers other than other interstate crew, or
 - in the case of ACT residents only, in a private vehicle.

While travelling, the crew member must comply with the *Onward Domestic Travel of International Aircrew Guidelines*, and the member's employer must ensure there is compliance by the member.

If suitable transport cannot be arranged, the member must go to a quarantine facility and remain at the facility until –

- the member's employer arranges suitable transport to the member's residence, or
- the Commissioner directs otherwise, or
- there is an emergency that requires the member to leave the quarantine facility.

While remaining at the facility, the member must comply with any conditions decided, or directions given, by the Commissioner of Police.

Interstate flight crew who go into a quarantine facility must comply with the requirements of quarantining as if they were quarantined persons. The interstate flight crew must remain at the facility and comply with any other conditions decided, or directions given, by the Commissioner of Police; and must provide the Chief Health Officer their contact and flight details prior to leaving the facility for the purposes of departing on an interstate flight back home.

If a flight crew member to whom this clause applies fails to undergo/comply with COVID testing or providing NSW Health with the relevant declarations, they will be treated as international crew and taken to police managed hotel quarantine.

Flight crew who arrive from New Zealand

Air crew arriving on a flight from New Zealand will be required to provide a declaration about where they have been in the last 14 days. This is to determine if they have only been in Australia or New Zealand. If they have only been in Australia or New Zealand, they will not need to self-isolate or quarantine (unless they have been in a New Zealand COVID-19 Hotspot). However, if they have been to a New Zealand COVID-19 Hotspot or anywhere outside Australia or New Zealand, they will be treated the same as any other international flight crew.

Persons arriving in NSW by land

A person who arrives in NSW by land and who has been outside Australia or in NZ in the previous 14 days AND the Chief Health Officer has assessed the person as posing an unacceptable public health risk of transmission of COVID-19, must as determined by the Chief Health Officer:

- go to a quarantine facility, or
- go to a medical facility

In addition,

- the person must comply with any direction of the Chief Health Officer in relation to the person's transit to the quarantine facility or medical facility, and
- must comply with the directions of the Commissioner while at the facility.

Testing of workers in quarantine facilities

- "Designated quarantine facility workers" are police officers, persons entering the quarantine/medical facility to provide medical treatment or care to a person in the quarantine/medical facility, or persons who are carrying out services necessary for the ordinary operation of a quarantine/medical facility, including in relation to cleaning and security of the facility, and specified in the NSW Testing Program published on the NSW Health website ("the *NSW Testing Program*").
- A designated quarantine facility worker must not enter or remain in a quarantine facility for the purposes of carrying out their duties at a quarantine facility unless the worker is tested for COVID-19 in the course of carrying out their duties in accordance with the NSW Testing Program.
- Despite any testing requirement, a designated quarantine facility worker may enter a quarantine facility if otherwise directed by the Commissioner or Chief Health Officer.
- A designated quarantine facility worker must not enter a quarantine facility or carry out duties in the facility if the Chief Health Officer is satisfied the worker poses a risk of infecting another person with COVID-19.
- A person who employs a designated quarantine facility worker must not allow the worker to exercise functions or provide services in relation to a quarantine facility unless the worker is tested for COVID-19 as required.
- The employer must notify the Chief Health Officer, if the person is aware the worker has not been tested.

Testing of transportation providers

Definitions

- "Designated transportation provider" is a person who provides a transportation service to a relevant person to or from a quarantine facility or a medical facility, or to a declared flight crew member (defined above under Flight Crew who are NSW Residents) to or from the member's residence, and who are specified in the NSW Testing Program.
- A "relevant person" is a person who arrives in NSW by aircraft (interstate and overseas) as a flight crew member and has been in a country other than Australian and New Zealand in the last 14 days or a person who arrives in NSW from New Zealand and there is a person on the flight who has been in a country other than Australia, New Zealand, the Cooks Islands or Niue.
- "Approved personal transportation" of a declared flight crew member means the use of a private vehicle, that the declared flight crew member drives or rides to or from their residence, with no passengers.

Requirements

- A designated transportation provider must not provide a transportation service unless tested for COVID-19 in accordance with the NSW Testing Program including during the course of their duties.
- This does not apply to a declared flight crew member who uses approved personal transportation or a designated transportation provider providing a declared flight crew member with transportation to or from the member's residence for the purpose of seeking urgent medical assistance or medical supplies.
- Despite any testing requirement, a designated transportation provider may provide a transportation service if directed by the Commissioner or Chief Health Officer.
- A designated transportation provider must not provide a transport service if the Chief Health Officer is satisfied the worker poses a risk of infecting another person with COVID-19
- A designated transportation provider. a person who employs a designated transportation provider and a declared flight crew member who uses approved personal transport must comply with the NSW Health Air Transportation Guidelines.
- An employer of a designated transportation provider must not allow the provider, to exercise functions or provide the transportation services unless the worker is tested for COVID-19 as required.
- The employer must notify the Chief Health Officer, if aware that the provider has not been tested.

Testing of airport workers

- “Designated airport worker” is a person who in the course of the person’s employment, carries out functions or provides services at an airport and is specified in the NSW Testing Program.
- A designated airport worker must not carry out functions or provide services at an airport unless the person has been tested for COVID-19 in accordance with the NSW Testing Program including during the course of their duties.
- A designated airport worker who is not tested must not enter or remain at an airport to work at the airport unless the worker is tested for COVID-19 (whether at the airport or elsewhere).
- Despite any non-compliance with a testing requirement, a designated airport worker may enter, and work at an airport if so directed by the Commissioner or Chief Health Officer.
- A designated airport worker must not enter or work at an airport if the Chief Health Officer is satisfied the worker poses a risk of infecting another person with COVID-19.
- An employer of a designated airport worker must not allow the worker to exercise functions or provide services at an airport unless the worker is tested for COVID-19 as required.
- The employer must notify the Chief Health Officer, if aware the worker has not been tested.

COVID-19 vaccinations

THIS APPLIES FROM MIDDAY ON 28 JUNE 2021

- A “nominated worker” is a person specified in the NSW Airport and Quarantine Workers Vaccination Program, and is a police officer, a person entering or accessing a quarantine facility or for the purposes of providing medical treatment or care to a person, or a person exercising functions or providing services necessary for the ordinary operation of the quarantine facility, AND who:
 - in the course of the person’s employment, exercises functions or provides services in relation to the quarantine facility, OR
 - in the course of the person’s employment, provides a transportation service for a relevant person directly to or from a quarantine facility or medical facility, OR
 - in the course of the person’s employment, exercises functions or provides services at an airport.
- A nominated worker must not, in the course of their employment, exercise any functions or provide any services as outlined above unless they worker has received at least the first dose of a COVID-19 vaccine.
- This does not apply if a medical practitioner and the Chief Health Officer has certified that the nominated worker has a medical contraindication to the COVID-19 vaccine, or if the person who provides a transportation service to a relevant person is providing a declared flight crew member with a transportation service to or from the member’s residence for the purpose of seeking urgent medical assistance or medical supplies.
- An employer of a nominated worker must ensure that the worker complies with having at least the first dose of the COVID-19 vaccine.

Exemption: a nominated worker who has arranged to receive (and must actually receive) their first COVID-19 vaccination dose by 6 July 2021 (“Exempt worker”) is exempt from the above requirements. The Exempt worker must be able to provide records to their employer, NSW Health, or a police officer about the date and location of their first vaccination dose.

An employer is exempt from ensuring the Exempt worker complies with the above requirements.

Wearing of fitted face coverings

- A “fitted face covering” means a mask or other covering that fits securely around the face, and is designed or made to be worn over the person’s nose and mouth at all times, but does not apply to:
 - (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

Transportation of particular persons

- A relevant person and any other person in a vehicle with a relevant person, must wear a fitted face covering over the person’s nose and mouth at all times when the relevant person is being transported.

- This applies whether or not the relevant person is being transported to or from:
 - an airport, a quarantine facility or a medical facility, or
 - for a relevant person who is a relevant flight crew member—to a crew member’s residence.
- A person may remove a fitted face covering in the following circumstances:
 - the person is eating or drinking,
 - the person is communicating with another person who is deaf or hard of hearing,
 - the person is asked to remove the fitted face covering to ascertain the person’s identity, or
 - because of an emergency.
- The person must resume wearing the fitted face covering as soon as practicable after the circumstance ends.

Quarantine facilities

- A quarantined person entering, remaining at or departing a quarantine facility must wear a fitted face covering over the person’s nose and mouth at all times when:
 - (a) being transported to or from the quarantine facility, and
 - (b) at the quarantine facility, other than when the person is in their assigned room.
- A person who enters or remains at a quarantine facility (other than a quarantined person) must wear a fitted mask covering over the person’s nose and mouth at all times when the person is at a quarantine facility. Such a person may remove a fitted face covering in the following circumstances:
 - (a) the person is a 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.
 - (b) the removal of the fitted face covering is necessary for the proper provision of the goods or service.
- A person transporting, or in or on a vehicle with, a quarantined person must wear a fitted mask covering the person’s nose and mouth at all times while transporting the person.
- Generally, a person may remove a fitted face covering in the following circumstances:
 - the person is eating or drinking,
 - the person is communicating with another person who is deaf or hard of hearing,
 - the person is asked to remove the fitted face covering to ascertain the person’s identity, or
 - because of an emergency.
- The person must resume wearing the fitted face covering as soon as practicable after the circumstance ends.

Direction – name and contact details of certain transportation service providers

- A “flight crew transport service provider” is a person who provides a transportation service to a declared flight crew member.
- A person who employs a flight crew transport service provider must notify the Commissioner of Police:
 - (a) within 48 hrs of 4:00pm on 25 June 2021, of the names and contact details of each flight crew transport service provider employed by the person immediately before 4:00pm on 25 June 2021, and
 - (b) for a person who will commence employment as a flight crew transport provider after 4:00pm on 25 June 2021 – of the name and contact details of the person, at least 48 hrs before the person commences employment.

Direction – directions of the Commissioner of Police

- A person who provides a transportation service to a relevant person must:
 - (a) comply with a direction of the Commissioner of Police at an airport or at a quarantine facility, and
 - (b) if requested by a police officer, provide the person’s name and contact details.
- An employer of a person who provides a transportation service to a relevant person must, if requested by a police officer, provide the name and contact details of the person.

Transitional arrangements

- If immediately before the commencement of this Order a person was subject to a quarantine order under the repealed Order, the quarantine period continues under this Order as if the repealed Order remained in force, and
- Any designation or direction made by the Commissioner of Police under the repealed Order which is still in force continues as if it were made under this Order, and
- Any exemption granted by the Minister under the repealed Order continues as if it were granted under this Order, and
- Any delegation made for the purposes of the repealed Order that was in force continues as if it were made for the purposes of this Order.

Further information

- If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121). See *penalties table*.

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breach)	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation (other than face covering breach)	895638	\$5,000
Nominated worker not vaccinated provide prescribed services	96995	\$1,000
Employer not ensure worker vaccinated as required	96996 (Individual) 896996 (Corporation)	\$1,000 \$5,000
Fail to comply with face covering directive	96960 (individual) 896960 (corporation)	\$200 \$1000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
For offences above	Per above	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues



**Health Minister's COVID-19
Spitting and Coughing Direction**



Public Health Act 2010 (NSW)

FACT SHEET FOR NSW POLICE

The Health Minister has remade the Direction **under s 7 of the *Public Health Act*** directing that a person must not intentionally spit at, or cough on, a public official or any other worker in a way that would reasonably be likely to cause fear about the spread of COVID-19.

The *Public Health (COVID-19 Spitting and Coughing) Order (No 3)* takes effect from 21 August 2021.

ELEMENTS OF THE OFFENCE

- (1) the accused,
- (2) intentionally and without reasonable excuse,
- (3) coughed on or spat at,
- (4) a public official or other worker,
- (5) in a way that was reasonably likely to cause fear about the spread of COVID-19,
- (6) while the Health Minister's Direction was in force, and
- (7) the accused had notice of the Direction.

public official means—

- (a) a health worker, or
- (b) a police officer within the meaning of the *Police Act 1990*, or
- (c) another person exercising public functions under a law of New South Wales, or
- (d) an Immigration and Border Protection worker within the meaning of the *Australian Border Force Act 2015* of the Commonwealth, or
- (e) a person employed or otherwise engaged by the Commonwealth Department of Health.

health worker means—

- (a) a person employed in the NSW Health Service within the meaning of the *Health Services Act 1997*, or
- (b) a person engaged by the Health Administration Corporation, within the meaning of the *Health Administration Act 1982*, to enable the Corporation to exercise its functions, or
- (c) a person engaged by a public health organisation, within the meaning of the *Health Services Act 1997*, to enable the organisation to exercise its functions, or
- (d) a member of staff of a licensed private health facility within the meaning of the *Private Health Facilities Act 2007*, or
- (e) a registered health practitioner, or
- (f) a person who works in a pharmacy or on other premises at which a health practitioner routinely practises the practitioner's profession, or
- (g) a member of staff of St John Ambulance Australia (NSW), or
- (h) a member of staff of the Royal Flying Doctor Service of Australia (NSW Section).

other worker includes, but is **not limited to** —

- (a) a retail worker,
- (b) a person who works at an airport,
- (c) a person who works for an electricity, gas, water or other utility company,
- (d) a person who works in the transport industry or a transport-related industry,
- (e) a member of the Australian Defence Force.

This offence covers another worker while the worker is—

- (a) at the worker's place of work, or
- (b) travelling to or from that place of work.

If the worker's place of work is the worker's residential premises, the place of work does not include any part of the premises used solely for residential purposes.

HOW TO RESPOND TO AN ALLEGED BREACH?

If responding to an incident where a public official or other worker has alleged that they have been spat or coughed on, investigate accordingly. Obtain victim and witness statements, CCTV footage, photographs and any other available evidence to assist in proving the offence.

You may direct a person to provide their name and address (s 112 *Public Health Act*) if the person is suspected to have contravened this Ministerial Direction. Police must still comply with the LEPRA safeguards when exercising this power. If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under LEPRA s99(1)(b)(iii) to establish identity and issue a CAN. However, consider your own safety before proceeding.

If you cannot establish the person had notice of the Health Minister's Direction, then you cannot proceed with this offence. Instead, you may proceed with another relevant offence (e.g. common assault, assault police officer or intimidation under the *Crimes Act*, or behave in offensive manner under the *Summary Offences Act*, depending on the facts of the case).

DO NOT proceed with both a breach of the Health Minister's Direction AND an assault, offensive conduct or other offence when they arise out of the same factual circumstances.

A common response to an alleged breach of this Ministerial Direction may be:

- (a) **Gather** evidence of the commission of the offence.
- (b) **Question** the accused person (after caution) to ascertain their **knowledge of the Health Minister's Direction**, what their intention was when they spat at/coughed on the victim, and their knowledge of the victim being a public official or other worker.
- (c) **Respond** by taking the most appropriate course of action e.g. Penalty Infringement Notice (PIN) for breaching the Health Minister's Direction or alternative action under another Act.
- (d) **Arrest** the person as a last resort. There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister's Direction, but you may arrest under LEPRA. However, you must have the intention to charge the person at the time of arrest and satisfy the criteria in s 99(1).

- (e) Put a **COPS Event** on the system including the action you have taken (use COPS incident category “Public Health Act”, sub-category “Breach - COVID-19 Direction, operation name “Corona Virus 2020” and associated factor “Pandemic”).
- (f) If proceeding with an assault, offensive conduct or other offence and not a breach of the Health Minister’s Direction, use their respective incident categories but be sure to list the operation name “Corona Virus 2020” and associated factor “Pandemic”.
- (g) A CAN may be an appropriate response in some circumstances.

CONSIDER whether a Penalty Notice is appropriate. If there is likelihood that an offence will continue or that bail conditions are necessary to protect a person, then a Penalty Notice is probably not suitable.



“The rules are clear and they apply to everyone, so if you decide to ignore a direction, you will be caught and you will receive a hefty fine and possibly a prison sentence.”

~ NSW Police Commissioner Michael Fuller APM

OFFENCES AND PENALTIES

Police officers can issue a Penalty Notice or issue a CAN for breaching the Health Minister’s coughing or spitting Direction.

PENALTY NOTICE	Offence Code	On the Spot Fine
Not comply noticed direction in relation to spitting/coughing – COVID-19 – individual	95641	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Not comply noticed direction re spitting/coughing – COVID-19	95641	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

PRIVACY

**IF IN DOUBT,
ASK!**

STAY SAFE



**Health Minister's COVID-19
Spitting and Coughing Direction**



Public Health Act 2010 (NSW)

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- (e) Put a **COPS Event** on the system including the action you have taken (use COPS incident category “Public Health Act”, sub-category “Breach - COVID-19 Direction, operation name “Stay At Home 2021” and associated factor “Pandemic”).
- (f) If proceeding with an assault, offensive conduct or other offence and not a breach of the Health Minister’s Direction, use their respective incident categories but be sure to list the operation name “Stay At Home 2021” and associated factor “Pandemic”.
- (g) A CAN may be an appropriate response in some circumstances.

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COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Not comply noticed direction re spitting/coughing – COVID-19	95641	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues

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PRIVACY

**IF IN DOUBT,
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STAY SAFE

FOR INTERNAL USE ONLY

ISSUE 18

COVID-19 MANDATORY FACE COVERINGS

Public Health Act 2010

The *Public Health (COVID-19 Mandatory Face Coverings) Order 2021 (No 2)* was amended on 22 June 2021, effective from 4.00pm. It applies to people in Greater Sydney.

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 City of Shellharbour and the City of Wollongong.

A **fitted face covering** is a mask or other covering that fits securely around the face and is designed or made to be worn over the nose and mouth to provide the wearer with protection against infection. A scarf is not a fitted face covering.

Requirement to wear a fitted face covering

Public indoor premises

A person in Greater Sydney must wear a fitted face covering at all times when **indoors** at:

- Retail premises and business premises that provide goods and services directly to the public including supermarkets, shopping centres (excluding indoor recreational facilities), bank branches and post offices (but not hospitality venues)
- Nail salons, hairdressing salons, beauty salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
- Entertainment facilities
- Betting agencies
- Any part of a licensed premises that is used primarily for the purposes of gaming, including a gaming lounge
- Places of worship and any other premises where a religious service is held
- Residential aged care facility (except residents)

Note: Health services are not retail or business premises

A **person working at a hospitality venue** who deals directly with the public in Greater Sydney must wear a fitted face covering at all times. Operators of hospitality venues must ensure this requirement is complied with.

Hospitality venues are casinos, food and drink premises, micro-breweries, small distilleries (holding drink on premises authorisation), cellar door premises, pubs, registered clubs and small bars.

The face covering requirement does not apply to a person engaged in work on the premises if the person does not interact with members of the public (except in residential aged care facilities).

Public transport

A person in Greater Sydney must wear a fitted face covering at all times when:

- (a) at a public transport waiting area, or
- (b) when on a public transport service

Public transport service includes a taxi service, rideshare service and community transport service.

A *public transport waiting area* is a station, including the platform, of a passenger railway station or light rail station/stop, a ferry wharf, a bus stop or taxi rank.

Airports/aircraft

A person in an indoor area of a NSW airport, including a passenger waiting area, must wear a fitted face covering at all times.

A person on a domestic commercial aircraft that lands at, or takes off from, a NSW airport must wear a fitted face covering at all times when on the aircraft when the aircraft is at a NSW airport or flying in NSW airspace.

A person can remove a fitted face covering (it must be replaced as soon as practicable after the circumstance ends) if the person is a member of the flight crew or an airport worker who is not interacting directly with passengers.

An employer of an airport worker must ensure all their workers, including contractors or subcontractors, comply with the above requirements.

An *airport worker* includes: an engineer or other technical staff, cleaner, baggage handler, a person involved in the delivery or removal of food, goods or other things connected with an aircraft, an employee of an airline, a person providing law enforcement or border security services.

Exemptions

There are a number of exemptions to these rules:

- A person under 12 years
- A person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- The person is eating or drinking
- The person is communicating with a person who is deaf or hard of hearing
- The person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or clear enunciation and visibility of the person's mouth is essential
- The person is asked to remove the fitted face covering to identify the person
- An emergency
- The removal is necessary for the provision of goods and services.

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (for an offence against cl 5(1),(2) or (3) only)	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96596 (Not wear fitted face covering when in an indoor area of a NSW airport)	\$200
	96597 (Not wear fitted face covering when on an aircraft located at a NSW airport)	\$200
	96598 (Not wear fitted face covering when on an aircraft flying in NSW airspace)	\$200
	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
96594 (Not wear fitted face covering - hospitality venue worker)	\$200	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual	96944 (Not ensure airport worker wear fitted face covering – individual)	\$200
	96595 (Not ensure hospitality workers wear fitted face coverings - individual)	\$200
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	896944 (Not ensure airport worker wear fitted face covering – corporation)	\$1,000
	896595 (Not ensure hospitality workers wear fitted face coverings - corporation)	\$1,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96596 (Not wear fitted face covering when in an indoor area of a NSW airport)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	96597 (Not wear fitted face covering when on an aircraft located at a NSW airport)	
	96598 (Not wear fitted face covering when on an aircraft flying in NSW airspace)	
	96592 (Not wear fitted face covering public transport waiting area)	
	96593 (Not wear fitted face covering in public transport/taxi etc)	
	96944 (Not ensure airport worker wear fitted	

	<p>face covering – individual or corporation)</p> <p>96587 (Not wear fitted face covering in retail/business premises)</p> <p>96588 (Not wear fitted face covering in licensed gaming area)</p> <p>96589 (Not wear fitted face covering in entertainment facility)</p> <p>96590 (Not wear fitted face covering in place of public worship etc)</p> <p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings – individual or corporation)</p>	
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Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

FOR INTERNAL USE ONLY

ISSUE 22

INTERSTATE TRAVELLERS

Public Health Act 2010

The *Public Health (COVID-19 Interstate Travellers) Order (No 2) 2021* applies to people who have been to an *affected area*, *area of concern* or to a *place of high concern*.

Affected areas, *areas of concern* and *places of high concern* are locations identified by the NSW Chief Health Officer and which are published on the NSW Government website (<https://www.health.nsw.gov.au/Infectious/covid-19/Documents/interstate-concerns-notice.pdf>). These are updated regularly.

Affected areas

Affected persons must substantially complete a traveller self-declaration form with true and accurate information and carry evidence of completion of the self-declaration. An *affected person* means a person who is 16 years or older who has, in the last 14 days, been in an ***affected area***, whether or not it was identified as an affected area at the time.

The self-declaration may be completed within 24 hrs before the affected person enters or on entering NSW.

A new self-declaration is required for each entry at a relevant point of entry specified in the concerns notice, or each time the person enters NSW if the concerns notice does not specify a relevant point of entry. However, only one declaration is required per day.

The self-declaration must contain the following information:

1. person's name, email address and telephone number
2. addresses the person stayed outside of NSW in the last 14 days
3. address/es the person will be staying at in NSW
4. whether or not the person visited an area of concern or place of high concern in the time specified in the concerns notice
5. number of dependent children under 16 years travelling with the person
6. person's planned arrival date in NSW
7. if the person is not ordinarily a NSW resident, the planned date of departure.

A police officer may require an affected person to provide information, including photo identification, to decide whether the person is an affected person and has completed the self-declaration if the officer has reasonable grounds to suspect that the person may be an affected person. LEPRA safeguards apply.

An affected person must provide true and correct information to such a request. An affected person satisfies the requirement to provide information to determine whether they are an affected person if they provide photographic identification to verify the person's name and address.

If an affected person is unable to produce evidence of completion of the self-declaration they must provide information to the police officer to enable the completion of the declaration on their behalf.

Areas of concern

A relevant person means a person who has been in an **area of concern** in the previous 14 days and after the date in the concerns notice that identifies the area as an area of concern. A *relevant person*, who enters or is in NSW, must travel directly to the person's home and must not leave or be away from that place without a reasonable excuse.

These rules do not apply to:

- a homeless person
- a person immediately transiting through NSW by the most direct practicable route.

Reasonable excuses

Reasonable excuses include:

- obtaining food, goods and services for needs of the household and for vulnerable persons
- travelling for work if the person cannot work from home
- travelling to attend/pick up/drop off at childcare
- exercising outdoors
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities
- moving to a new place of residence, or moving business premises
- providing care or assistance to a vulnerable person, providing emergency assistance but not visiting a residential aged care facility
- undertaking any legal obligations
- accessing public services including social, employment, domestic violence, mental health and victim's services
- continuing existing access arrangements between parents, children and siblings
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons including where two people are in a relationship but don't live together.

If a relevant person is staying in temporary accommodation (including a hotel, motel or short-term holiday rental) it is a reasonable excuse to leave if the booking expires and the person goes directly home or to other temporary accommodation and continues to comply with this order or travels immediately by the most practicable direct route out of NSW.

Taking a holiday is not a reasonable excuse.

A police officer may require a relevant person to provide information, including photo identification, to decide whether the person has been in an area of concern in the past 14 days. A police officer can only exercise this power if they have reasonable grounds to suspect that the person may have been in an area of concern during the relevant time period. LEPRSA safeguards apply.

A relevant person must provide true and correct information to such a request. A person satisfies the requirement to provide information if they provide photographic identification to verify the person's name and address.

Places of high concern

Close contact

Close contact means a person who has been in a place of high concern in the last 14 days and during the time specified in the COVID-19 concerns notice identifying the place as a close contact place.

A non-NSW resident who has been in a **place of high concern** and is a close contact must not enter NSW. **Note:** Police do not have the power to require the person to leave NSW.

A person (a NSW resident and a non NSW resident) who is in NSW and is a close contact must travel directly to the person's home and, while travelling, comply with the Interstate Traveller Guidelines (available at www.nsw.gov.au) and self-isolate as required by clause 5 of the *Public Health (COVID-19 Self-Isolation) Order 2021*.

Casual contact

Casual contact means a person who has been in a place of high concern in the last 14 days and during the time specified in the COVID-19 concerns notice identifying the place as a casual contact place.

A non-NSW resident who has been in a **place of high concern** and is a casual contact must not enter NSW, unless, after becoming a casual contact the person is tested for COVID-19 and receives a negative result. The person must keep a copy of the negative result and show it to police if required.

A person (a NSW resident and a non NSW resident) who is in NSW and is a casual contact must travel directly to the person's home and, while travelling, comply with the Interstate Traveller Guidelines (available at www.nsw.gov.au) and self-isolate unless the person is tested for COVID-19 and receives a negative result. The person must keep a copy of the negative result and show it to police if required.

The requirements for persons entering NSW from a place of high concern do not apply to a person immediately travelling by the most direct practicable route to the ACT, but that person must comply with the Interstate Traveller Guidelines (available at www.nsw.gov.au).

Self-isolation

A person who is required to self-isolate must travel directly to their home and not leave except to obtain medical care including a test for COVID-19, or medical supplies, or in another emergency situation. They may also not permit another person to enter their home unless the other person usually lives there or is also complying with a direction under this Order, or the entry is for medical or emergency purposes, or the entry is to a place other than a residence for the purposes of delivering food or essential items. The person must otherwise comply with the NSW Health self-isolation guideline.

AFFECTED AREAS / AREAS OF CONCERN / PLACES OF HIGH CONCERN

CONCERNS NOTICE

The current concerns notice can be found at:

<https://www.health.nsw.gov.au/Infectious/covid-19/Documents/interstate-concerns-notice.pdf>

There is an exemption for the Border Region.

A *Border Region Resident* is a resident of NSW or Victoria who usually resides in the Border Region.

A map of the Border Region can be found here:

<https://www.service.nsw.gov.au/system/files/2020-10/border-region-map-no-5.pdf>

Border Region Residents are exempt from the “affected area” requirements (declaration requirement) if the person remains within the Border Region after entering NSW.

Police powers to require a person to provide information to determine whether the order applies to them have been preserved

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	895638	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

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Affected areas

Affected persons must substantially complete a traveller self-declaration form with true and accurate information and carry evidence of completion of the self-declaration. An *affected person* means a person who is 16 years or older who has, in the last 14 days, been in an ***affected area***, whether or not it was identified as an affected area at the time.

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- travelling for work if the person cannot work from home
- travelling to attend/pick up/drop off at childcare
- exercising outdoors
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities
- moving to a new place of residence, or moving business premises
- providing care or assistance to a vulnerable person, providing emergency assistance but not visiting a residential aged care facility
- undertaking any legal obligations
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- continuing existing access arrangements between parents, children and siblings
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If a relevant person is staying in temporary accommodation (including a hotel, motel or short-term holiday rental) it is a reasonable excuse to leave if the booking expires and the person goes directly home or to other temporary accommodation and continues to comply with this order or travels immediately by the most practicable direct route out of NSW.

Taking a holiday is not a reasonable excuse.

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A relevant person must provide true and correct information to such a request. A person satisfies the requirement to provide information if they provide photographic identification to verify the person's name and address.

Places of high concern

Close contact

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A person (a NSW resident and a non NSW resident) who is in NSW and is a close contact must travel directly to the person's home and, while travelling, comply with the Interstate Traveller Guidelines (available at www.nsw.gov.au) and self-isolate as required by clause 5 of the *Public Health (COVID-19 Self-Isolation) Order 2021*.

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A non-NSW resident who has been in a **place of high concern** and is a casual contact must not enter NSW, unless, after becoming a casual contact the person is tested for COVID-19 and receives a negative result. The person must keep a copy of the negative result and show it to police if required.

A person (a NSW resident and a non NSW resident) who is in NSW and is a casual contact must travel directly to the person's home and, while travelling, comply with the Interstate Traveller Guidelines (available at www.nsw.gov.au) and self-isolate unless the person is tested for COVID-19 and receives a negative result. The person must keep a copy of the negative result and show it to police if required.

The requirements for persons entering NSW from a place of high concern do not apply to a person immediately travelling by the most direct practicable route to the ACT, but that person must comply with the Interstate Traveller Guidelines (available at www.nsw.gov.au).

Self-isolation

A person who is required to self-isolate must travel directly to their home and not leave except to obtain medical care including a test for COVID-19, or medical supplies, or in another emergency situation. They may also not permit another person to enter their home unless the other person usually lives there or is also complying with a direction under this Order, or the entry is for medical or emergency purposes, or the entry is to a place other than a residence for the purposes of delivering food or essential items. The person must otherwise comply with the NSW Health self-isolation guideline.

AFFECTED AREAS / AREAS OF CONCERN / PLACES OF HIGH CONCERN

CONCERNS NOTICE

The current concerns notice can be found at:

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Exemptions

A *Border Region Resident* is a resident of NSW or Victoria who usually resides in the Border Region.

A map of the Border Region can be found here:

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Border Region Residents are exempt from the “affected area” requirements (declaration requirement) if the person remains within the Border Region after entering NSW.

NSW Border Region Residents are exempt from the “area of concern” requirements (stay at home requirement) if the person has not been to a place in Victoria that is outside the Border Region in the previous 14 days.

A person over 16 years who has been in Queensland in the last 14 days is required to make a self-declaration on entry and then once every 72 hours rather than each time they enter NSW (the order specifies a declaration is required once each calendar day where there are multiple entries).

Police powers to require a person to provide information to determine whether the order applies to them have been preserved

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	895638	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months</p>

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Further information

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ISSUE 22

INTERSTATE TRAVELLERS

Public Health Act 2010

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Affected areas, *areas of concern* and *places of high concern* are locations identified by the NSW Chief Health Officer and which are published on the NSW Government website (<https://www.health.nsw.gov.au/Infectious/covid-19/Documents/interstate-concerns-notice.pdf>). These are updated regularly.

To avoid any doubt, nothing in this Order affects an affected person's obligation to comply with a direction under a related Public Health Order, including in relation to isolation.

Affected areas

Affected persons must substantially complete a traveller self-declaration form with true and accurate information and carry evidence of completion of the self-declaration. An *affected person* means a person who is 16 years or older who has, in the last 14 days, been in an ***affected area***, whether or not it was identified as an affected area at the time.

The self-declaration may be completed within 24 hrs before the affected person enters or on entering NSW.

A new self-declaration is required for each entry at a relevant point of entry specified in the concerns notice, or each time the person enters NSW if the concerns notice does not specify a relevant point of entry. However, only one declaration is required per day.

The self-declaration must contain the following information:

1. person's name, email address and telephone number
2. addresses the person stayed outside of NSW in the last 14 days
3. address/es the person will be staying at in NSW
4. whether or not the person visited an area of concern or place of high concern in the time specified in the concerns notice
5. number of dependent children under 16 years travelling with the person
6. person's planned arrival date in NSW
7. if the person is not ordinarily a NSW resident, the planned date of departure.

A police officer may require an affected person to provide information, including photo identification, to decide whether the person is an affected person and has completed the self-declaration if the officer has reasonable grounds to suspect that the person may be an affected person. LEPRA safeguards apply.

An affected person must provide true and correct information to such a request. An affected person satisfies the requirement to provide information to determine whether they are an affected person if they provide photographic identification to verify the person's name and address.

If an affected person is unable to produce evidence of completion of the self-declaration they must provide information to the police officer to enable the completion of the declaration on their behalf.

Areas of concern

A relevant person means a person who has been in an **area of concern** in the previous 14 days and after the date in the concerns notice that identifies the area as an area of concern. A *relevant person*, who enters or is in NSW, must travel directly to the person's home and must not leave or be away from that place without a reasonable excuse.

These rules do not apply to:

- a homeless person
- a person immediately transiting through NSW by the most direct practicable route.

Reasonable excuses

Reasonable excuses include:

- obtaining food, goods and services for the personal needs of the household or other household purposes, including for vulnerable persons and pets
- for work if the person cannot work from home (also note additional restrictions under the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*)
- to attend/pick up/drop off at childcare
- attending school, university or other educational institution if the person cannot learn from home
- exercise or outdoor recreation with no more than 1 other person unless from the same household (also note additional exercise and outdoor recreation restrictions under the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*)
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ISSUE 23

Health Minister's COVID-19 Restrictions on Movements Public Health Act 2010 (NSW)



FOR INTERNAL USE ONLY

The *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* commenced on 2 June 2021.

Gatherings at residences

- No more than **100 visitors** may attend a residence/use a premises as a holiday home or short term rental at the one time anywhere in NSW **unless**:
 - each visitor/person registers electronically with Service NSW or an adult member of the household/occupier of premises by means of a mobile phone or other device, and
 - an adult member of the household/occupier of the holiday home or short term rental has and complies with the appropriate COVID-19 Safety Plan, and
 - the adult household member/occupier of the holiday home or short term rental keeps a copy of the COVID-19 Safety Plan during the gathering and makes it available for inspection as requested.
- If the above conditions are not met, it is an offence for an adult member of the household/occupier of the holiday home or short term rental to allow more than 100 visitors to attend the residence. It is also an offence for a person to participate in such a gathering.

Note: Police have no general right of entry to a private residence to enforce the Health Minister's Direction.

If entry is denied by the owner/occupier/person apparently in charge of the premises, then police may be able to use a power under s 10 of LEPRA. However, to do so, police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc. Section 10 of LEPRA allows a police officer to enter and stay for a reasonable time on premises to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person. However, the arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.

An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 of the PHA contains a provision that permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose, however, if an authorised officer was willing to make the application, police may assist and accompany the authorised officer. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

General 1 person per 2 sqm rule for premises

- The occupier of premises must not allow more than the greater of 25 persons or the number allowed by the 2 sqm rule on the premises.
- This does not apply to:
 - a place of residence
 - a recreation facility (major)
 - an entertainment facility
 - 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
 - caravan parks and camping grounds
 - holiday homes and short-term rentals

- a gathering referred to in Attachment B (an exempted gathering)

Calculating space using the 2 sqm rule

- When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:
 - any person engaged in work on the premises for the occupier of the premises,
 - any person on the premises because of an emergency,
 - if the premises are food and drink premises, any person ordering or collecting food or drink to consume off the premises.
- Only the areas that are open to the public are to be included when determining the space available.

Entertainment facilities and recreation facilities (major)

- Entertainment and indoor recreation facilities (major) are permitted the greater of 100% of seated capacity or the number permitted by the 2 sqm rule.
- Outdoor recreation facilities (major) are permitted the greater of 100% of fixed seated capacity **and** the number permitted by the 2 sqm rule for any unfixed seating areas of the facility, **or** the number of persons equivalent to the 2 sqm for the facility.
- If the occupier of an entertainment facility or recreation facility (major) calculates the maximum number of persons on the percentage of the fixed seating capacity of the facility, the occupier must ensure that admission to the premises is by way of a ticket, and that all persons, other than persons engaged in work, are assigned to specific seats.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

Outdoor public gatherings

- A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.
- A *COVID-19 safe outdoor gathering* is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the lesser of—
 - the number permitted by the 2 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to—
 - a gathering for which a COVID-19 Safety Plan is required (see Attachment A)
 - an exempted gathering listed in Attachment B of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.

Controlled outdoor public gatherings

- A *controlled outdoor public gathering* is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The lesser of 10,000 people or the number permitted by the 2 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see Attachment A)

- a gathering listed in Attachment B (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

Events and activities

Weddings, funerals, memorial services (significant events)

- The *responsible person* for a wedding, funeral, memorial service or gathering that follows one of these events must:
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.
- The *responsible person* means the occupier of the premises, or for events held in a public park, reserve or garden, the person organising the event or conducting the service.

Agricultural shows and field days

- The 2 sqm rule applies
- If there are more than 200 participants (including spectators), the organiser must:
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.
- These restrictions do not apply to:
 - a gathering on for which a person is required to develop and keep a COVID-19 Safety Plan (see Attachment A)
 - a gathering listed in Attachment B (exempted gatherings)

Auctions, open houses or other inspections of viewings

- Real estate agents must ensure that auctions, open houses and other inspections of property must be conducted in compliance with the appropriate COVID-19 Safety Plan.

Religious services held on premises other than places of worship

- The person principally responsible for organising a religious service on premises which are not a place of public worship must:
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection as requested.

Lord Howe Island

- An owner or operator of a short-term rental or of tourist and visitor accommodation on Lord Howe Island must:
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection as requested.

COVID-19 Safety Plans generally

- Generally, premises and activities currently required to have a COVID-19 Safety Plan will continue to be required to do so.
- Attachment A lists the premises and events which will be required to have a COVID-19 Safety Plan.
 - For premises, it is the occupier of the premises who is responsible for developing and complying with the Plan.
 - For events, it is the person named who is responsible for having and complying with the Plan.

Recording contact details

- Attachment A includes a table of premises which are required to have a COVID-19 Safety Plan. The last column of the table also indicates which premises are required to electronically record the *contact details* of people entering or visiting the premises.
- *Contact details* means the person's name, telephone number or email address and the time at which the person entered the premises.
- Persons entering a significant event at a place of worship (wedding, funeral or memorial service) or entering premises for a religious service, must provide their contact details by:
 - electronically registering their contact details with Service NSW by way of a mobile phone or other device, or
 - by providing their details directly to the occupier of the premises.
- Persons entering a hospitality venue (a casino, food and drink premises, cellar door premises, pub, registered club, or small bar) or a hair dressing salon must provide their contact details by electronically registering their contact details with Service NSW by way of a mobile phone or other device.
- Persons entering other types of premises listed in Attachment A that are marked in the table as requiring the recording of contact details must provide their contact details by electronically registering their contact details with Service NSW or the occupier of premises by means of a mobile phone or other device.
- If contact details are provided to the occupier of premises, the occupier must keep a record of the contact details for at least 4 weeks and must provide those details to the Chief Health Officer upon request. The contact details must be provided as soon as practicable but no later than 4 hours after the request is made.
- A person required to provide contact details by electronic registering who cannot complete the registration because of age, disability or an inability to speak or comprehend the language used by the electronic registration may have other person complete the registration on the person's behalf.
- In unexpected circumstances where it is not possible for a person to electronically register their contact details (e.g. a failure of internet service or breakdown of the occupier's computers or devices) the person may provide their contact details directly to the occupier of the premises and the occupier must electronically register the contact details within 12 hours.
- Whenever premises that require electronic recording of entry are open, there must be a person on the premises who is responsible for requiring contact details to be provided electronically (excluding gyms when there are less than 25 persons on premises at the same time).

Exemptions from electronic recording

- Electronic recording of details are not required for premises (other than gymnasiums, nightclubs and hospitality venues other than takeaway only premises) that are wholly contained within, and only accessible through, another premises (the main premises); and the occupier of the main premises is required to keep a record of the contact details of persons entering the main premises.

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	895638	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

Further information

- If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Attachment A - Premises and Events

No.	Premises	COVID-19 Safety Plan Required?	Checklist	Electronic recording of entry required?
1	Agricultural shows or agricultural field days	Y	Major recreational facilities	Y
2	Amusement centres	Y	Entertainment Facilities	Y
3	Aquariums	Y	Information and education facilities	Y
4	Auctions, open houses or other inspections or viewings of real property for sale or lease	Y	Retail and auctions	N
5	Business premises that are used for auction houses, other than clearing houses	Y	Retail and auctions	Y
6	Business premises that are used for betting agencies	Y	Retail and auctions	N
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours	Y	Beauty and other services	Y
8	Caravan parks and camping grounds	Y	Accommodation	N
9	Casinos	Y	Hospitality	Y
10	Community centres	Y	Gyms and indoor recreation	N
11	COVID-19 safe outdoor public gatherings	Y	Outdoor Events	Y
12	Controlled outdoor public gatherings	Y	Outdoor Events	Y
13	Crematoria	Y	General	Y
14	Drive-in cinemas	Y	Entertainment facilities	Y
15	Entertainment facilities	Y	Entertainment facilities	Y
16	Food and drink premises (other than food courts)	Y	Hospitality	Y, but only for a person entering the premises to

				consume food or drink on the premises and persons who are staff and contractors
17	Food courts	Y	Hospitality	N
18	Function centres	Y	Hospitality	Y
19	Funeral homes	Y	General	Y
20	Funerals and memorial services and gatherings after funerals and memorial services	Y	Significant events	Y (except for persons entering a place of public worship or for a religious service)
21	Information and education facilities	Y	Information and education facilities	Y (except for libraries)
22	Markets	Y	Retail and auctions	N
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises	Y	Hospitality	Y - only for a person entering the premises to consume food or drink on the premises and persons who are staff and contractors
24	Nightclubs	Y	Hospitality	Y
25	Party buses	Y	Hospitality	Y
26	Places of public worship and religious services on other premises	Y	Places of worship	N
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors	Y	Significant events	Y
28	Properties operated by the National Trust or the Historic Houses Trust	Y	Information and education facilities	Y
29	Public swimming pools (excluding natural swimming pools)	Y	Gyms and indoor recreation	Y
30	Pubs, small bars, registered clubs and nightclubs	Y	Hospitality	Y - for persons entering the premises, but not if the person is entering the premises solely for the purpose of collecting

				food or drink to consume off the premises
31	Recreation facilities (indoor)	Y	Gyms and indoor recreation	Y
32	Recreation facilities (major)	Y	Major recreation facilities	Y
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises	Y	Beauty and other services	Y
34	Sex services premises	Y	Beauty and other services	Y
35	Strip clubs	Y	Hospitality	Y
36	Vessels used for hosting functions or for commercial tours	Y	Hospitality	Y
37	Wedding services and gatherings after wedding services	Y	Significant events	Y
38	Zoological parks and reptile parks	Y	Information and education facilities	Y (except for persons entering a place of public worship or for a religious service)

Attachment B – Exempted Gatherings

- a gathering at an **airport** that is necessary for the normal business of the airport
- a 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
- a gathering at a **hospital or other medical or health service** facility that is necessary for the normal business of the facility
- a gathering for the purposes of **emergency services**, including the provision of training by an emergency service
- a gathering at a **prison**, correctional facility, youth justice centre or other place of custody
- a gathering at a **disability or aged care facility** that is necessary for the normal business of the facility
- a gathering at a **court** or tribunal
- a gathering at **Parliament** for the purpose of its normal operations
- a 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 business of the supermarket, market, store or centre
- a 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
- 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
- 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
- a gathering at an outdoor space for the purposes of **transiting** through the place Example. Pitt St Mall
- a 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
- a gathering at premises that is necessary to provide the services of an early education and care facility



FOR INTERNAL USE ONLY

ISSUE 27

Health Minister's COVID-19 GREATER SYDNEY ORDER

Public Health Act 2010



The **Public Health (COVID-19 Greater Sydney) Order (No 2) 2021** was amended on 25 June 2021 and applies to GREATER SYDNEY (including the BLUE MOUNTAINS) and the Local Government Areas (LGAs) of CENTRAL COAST, WOLLONDILLY, HAWKESBURY, CITY OF WOLLONGONG and CITY OF SHELLHARBOUR. The Order expires at the beginning of 3 July 2021.

Note on police powers

- Police do **NOT** have the power to direct a person to state their full name and residential address to determine whether they are complying with this order.
- Under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.

SPECIAL DIRECTIONS FOR PARTS OF GREATER SYDNEY

This Part applies to local government areas (LGAs) of **City of Sydney, Randwick, Waverley, Woollahra** (the **affected areas**).

An **affected person** means a person whose place of residence or usual place of work is in an affected area, and a person who is staying in temporary accommodation in an affected area.

An **affected person** does not include a person who has not been in any affected area during the previous 14 days.

*Please note that 'work' includes work done as a volunteer or for a charitable organisation and attend university or other tertiary education.

Stay at home

An affected person must not without reasonable excuse:

- (a) be away from the person's home wherever located, or
- (b) if the person is staying in temporary accommodation wherever located – be away from the temporary accommodation.

Reasonable excuses for this Part include:

- obtaining food or other goods and services for the personal needs of the household or other household purposes, including for pets, and for vulnerable persons. **Note:** an affected person must not leave the person's area of residence to obtain food or other goods or services unless the food, goods or services are not reasonably available in the person's area of residence.
- travelling for work if the person cannot work from the person's home
- travelling for attending childcare, including picking up or dropping another person at childcare
- travelling for facilitating attendance at a school or other educational institution if the person attending cannot learn from the person's home
- exercising or outdoor recreation in the person's area of residence
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a wedding or funeral service

- 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
- providing care or assistance, including personal care, to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, mental health services, etc
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an affected area to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

A person who leaves their residence for a reasonable excuse must still comply with the 10 person gathering rule (see below).

The above does not apply to the homeless.

Entering an affected area

A person must not enter an affected area without a reasonable excuse.

A reasonable excuse to enter an affected area includes –

- entering to go to the person’s home in an affected area, or
- travelling through an affected area if the person does not leave the vehicle while in the area, or
- any of those reasonable excuses listed above for leaving home, except for exercising or outdoor recreation
- attending a wedding or funeral that complies with the order.

A person must not enter an affected area to obtain food or other goods or services unless the food, goods or services, or equivalent food, goods or services, are not reasonably available outside the area.

A person who enters an affected area for a reasonable excuse must still comply with the 10 person gathering rule (see below).

Taking a holiday is NOT a reasonable excuse

Limits on gatherings

A person must not participate in an outdoor public of more than **10 persons** in an affected area.

The 10 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)

- gatherings of persons from the same household
- a gathering at a funeral at which there are no more than 100 persons, including the person conducting the service
- a gathering at a wedding which takes place before the end of 27 June 2021
- a gathering to provide emergency assistance to a person or persons
- a gathering to allow a person to fulfil a legal obligation
- a gathering to facilitate a move to a new place of residence, including a business moving to new premises
- a gathering for a community sporting activity if it is a COVID-19 safe outdoor gathering for the purposes of the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* (and includes a training session for a community sporting activity).

Closure of certain premises in an affected area

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of—
 - (i) selling take-away food or beverages, or
 - (ii) if the premises include hotel or motel accommodation, by providing food or beverages to persons using that accommodation to consume in their rooms,
 - (iii) a wedding before the end of 27 June 2021
 - (iv) a funeral service of no more than 100 including the person conducting the service.
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of—
 - (i) selling take-away food or beverages, 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 take-away food or beverages,
 - (iv) a wedding before the end of 27 June 2021
 - (v) a funeral service of no more than 100 including the person conducting the service.
- entertainment facilities, except for the purposes of a wedding (before the end of 27 June 2021) or funeral of no more than 100 including the person conducting the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of providing educational services or childcare, or conducting a wedding before the end of 27 June 2021 or funeral of no more than 100 persons including the person conducting the service
- places of public worship, except for the purposes of —
 - (i) conducting a wedding service before the end of 27 June 2021
 - (ii) conducting a funeral service of no more than 100 persons including the person conducting the service, or
 - (iii) providing educational services or childcare.
- business premises that are hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours,
- business premises that are auction houses or betting agencies,
- markets, but not markets that predominantly sell food,
- information and education facilities, except for the purposes of providing educational services or childcare,
- caravan parks and camping grounds, except for purposes of—
 - (i) accommodating permanent residents of the caravan park or camping ground or other persons who have no other place of permanent residence, and
 - (ii) allowing visitors to visit permanent residents or those without a permanent residence,
- sex services premises,
- sex on premises venues,
- casino, except for the purpose of —

- (i) if the premises include hotel or motel accommodation – providing that accommodation including by providing food or beverages using that accommodation to consume in their rooms, or
- (ii) selling take-away food or beverages,

- nightclubs
- public swimming pool, but not a natural swimming pool.
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges,
- strip clubs.

A person in an affected area is also prohibited from:

- conducting an open inspection of premises for the purposes of the sale or lease of the premises. A person may show a single person the premises after the person has made an appointment for that purpose, and
- conducting an auction at which persons attend in person.

Limited exceptions to the requirement that premises must not be open to the public

The requirement that premises must not be open to the public does not apply if premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as:

- a food bank, or
- other service providing for the needs of homeless persons, or
- as an early education and care facility.

The requirement for premises to close to the public also does not apply to a person who was staying at a caravan park or camping ground immediately before 26 June 2021 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.

DIRECTIONS OTHER THAN SPECIAL DIRECTIONS

Travel outside metropolitan Sydney

A person who resides, or whose usual place of work is located, in the following local government areas (LGAs) must not travel outside metropolitan Sydney without a reasonable excuse unless the person has not been in any of the LGAs in the last 14 days:

City of Sydney

Bayside

Canada Bay

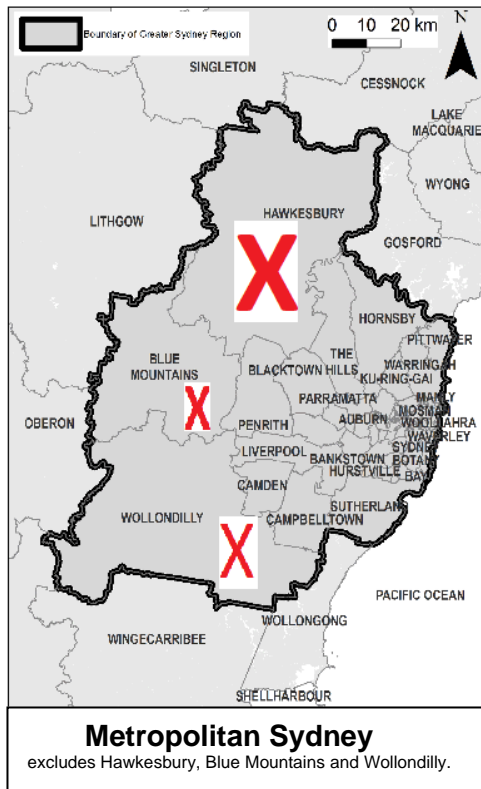
Inner West

Randwick

Waverley

Woollahra

Note: this clause does not prevent a person who is already outside of metropolitan Sydney when the order commences from travelling to other places outside the area, but only while the person remains outside the area.



A reasonable excuse includes:

- Travelling to the person's home
- Obtaining food or other goods or services for the personal needs of the household or other household purposes, including for pets and for vulnerable persons if they cannot be obtained in the Metropolitan Sydney area
- Travelling for work if the person cannot work from the person's home
- Travelling to attend childcare, including picking up or dropping off
- Travelling to attend a school or other educational institution if the person cannot learn from the person's home
- Obtaining medical or health or fulfilling carer's responsibilities
- Moving to a new place of residence, including a business moving to new premises, or between different places of residence or inspecting a potential new place of residence
- Providing care or assistance to a vulnerable person or providing emergency assistance
- Undertaking any legal obligations
- Accessing public services, if they cannot be accessed in the Metropolitan Sydney area, including social and employment services, mental health services, domestic violence services and services provided to victims.
- 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 continuing arrangements for access to, and contact between, parents and children or siblings
- Avoiding injury or illness or to escape a risk of harm
- For emergencies or compassionate reasons, including where 2 persons in a relationship do not live together.

TAKING A HOLIDAY IS NOT A REASONABLE EXCUSE

A person who leaves because of a reasonable excuse must not remain outside the area for longer than is necessary to deal with the situation that caused them to leave (or a situation incidental to it) - except if the excuse is for travelling to the person's place of residence outside the Metropolitan Sydney area.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors present.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving 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
- assisting a person moving to/from a place of residence
- there in an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. Persons at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before the commencement of this Order so long as no additional persons move into the premises after the Order's commencement.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- a gathering referred to in **Attachment A** (an exempted gathering)

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting food or drink to consume off the premises.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission to the facility must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class or activity does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class or activity does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 people at the one time).

A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.

A **nightclub** means premises that are 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.

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person must wear a fitted face covering (over both the nose and mouth) in all indoor non-residential premises (including workplaces and vehicles). Face coverings will generally not be required outdoors, except for:

- at a COVID-19 safe outdoor gathering
- at a controlled outdoor public gathering
(refer to Fact Sheet 23 for meanings of the above)

A person must comply with the face covering rule outside of Greater Sydney if the person was in Greater Sydney in the previous 14 days.

Exemptions

There are a number of exemptions to these face covering rules:

- a person under 12 years
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary for the provision of goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a resident of a residential aged care facility
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is on a construction site
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 2) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (for an offence against cl 5(1),(2) or (3) only)	96587 (Not wear fitted face covering in retail/business premises) 96588 (Not wear fitted face covering in licensed gaming area) 96589 (Not wear fitted face covering in entertainment facility) 96590 (Not wear fitted face covering in place of public worship etc) 96591 (Not wear fitted face covering residential aged care facility) 96592 (Not wear fitted face covering public transport waiting area) 96593 (Not wear fitted face covering in public transport/taxi etc) 96594 (Not wear fitted face covering - hospitality venue worker) 96595 (Operator not ensure hospitality workers wear fitted face coverings) 96953 (Not wear face covering indoor area of non-residential premises) 96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	96952 Travel from Metropolitan Sydney area to place in NSW outside area 95638 all non-face covering related breaches of this direction)	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	895638 <ul style="list-style-type: none"> all non-face covering related breaches of this Direction by a Corporation 	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96587 (Not wear fitted face covering in retail/business premises) 96588 (Not wear fitted face covering in licensed gaming area) 96589 (Not wear fitted face covering in entertainment facility) 96590 (Not wear fitted face covering in	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

	<p>place of public worship etc)</p> <p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operators not ensure hospitality workers wear fitted face coverings) – individual</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>96953 Not wear face covering indoor area of non-residential premises</p> <p>96954 Not wear fitted face covering in prescribed outdoor gathering</p> <p>95638 – all other breaches of this Direction</p>	
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Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* was made on 26 June 2021 and applies to GREATER SYDNEY (including the BLUE MOUNTAINS) and the Local Government Areas (LGAs) of the CENTRAL COAST and the CITY OF WOLLONGONG. The Order expires at the beginning of 10 July 2021.

Note on police powers

- Police do **NOT** have the power to direct a person to state their full name and residential address to determine whether they are complying with this order.
- Under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.

SPECIAL DIRECTIONS FOR GREATER SYDNEY

An **affected person** means:

- (a) a person whose home or usual place of work is in Greater Sydney
- (b) a person who is staying in temporary accommodation in Greater Sydney
- (c) any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attend university or other tertiary education.

'Significant event' means a funeral or memorial service, a wedding service, or a gathering following those services.

Stay at home

An affected person must **not**, without reasonable excuse:

- (a) be away from the person's home wherever located, or
- (b) be away from the temporary accommodation wherever located.

Reasonable excuses for this Part include:

- obtaining food or other goods and services in Greater Sydney for the personal needs of the household or other household purposes, including for pets, and for vulnerable persons
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation in Greater Sydney

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a significant event that complies with this order, even if its outside of Greater Sydney
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence , victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an affected area to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

A person who leaves their residence for a reasonable excuse must still comply with the 10 person gathering rule (see below).

The above does not apply to the homeless.

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney includes:

- to go to the person's home in Greater Sydney, or
- any of those reasonable excuses listed above for leaving home, except for exercising or outdoor recreation
- attending a significant event that complies with the order.

A person must not enter Greater Sydney to obtain food or other goods or services unless the food, goods or services, or equivalent food, goods or services, are not reasonably available outside the area.

A person who enters an affected area for a reasonable excuse must still comply with the 10 person gathering rule (see below).

Taking a holiday is NOT a reasonable excuse.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle
- enters by road and travels through by the most practicable route
- enters by air and does not leave the airport

- enters by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route
- enters to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on gatherings

A person must not participate in an outdoor public gathering of more than **10 persons**.

The 10 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering at a funeral at which there are no more than 100 persons, including the person conducting the service
- a gathering for a wedding which takes place before the end of 27 June 2021
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a wedding service, or a gathering following, before the end of 27 June 2021
 - (iv) a funeral or memorial service, or a gathering following, of no more than 100 including the person conducting the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of—
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a wedding, or a gathering following that service, before the end of 27 June 2021
 - (v) a funeral or memorial service, or a gathering following that service, of no more than 100 including the person conducting the service.
- entertainment facilities, except for a wedding service or gathering following (before the end of 27 June 2021), or a funeral or memorial service or gathering following of no more than 100 including the person conducting the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or conducting a wedding service or gathering following before the end of 27 June 2021 or a funeral or memorial service or gathering following of no more than 100 persons including the person conducting the service
- places of public worship, except for the purposes of:
 - (i) conducting a wedding service or gathering following before the end of 27 June 2021

- (ii) conducting a funeral or memorial service or gathering following of no more than 100 persons including the person conducting the service
- (iii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for purposes of:
 - (i) accommodating permanent residents of the caravan park or camping ground or other persons who have no other place of permanent residence, and
 - (ii) allowing visitors to visit permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from:

- conducting an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- conducting an auction at which persons attend in person.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- (a) that was made before 26 June 2021, and
- (b) that has not been extended after 26 June 2021.

DIRECTIONS OTHER THAN SPECIAL DIRECTIONS

Working from home

An employer must allow an employee to work from home if it is reasonably practicable to do so.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a significant event.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(refer to Fact Sheet 23 for meanings of the above)
- working at a hospitality venue and dealing directly with members of the public.

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

Exemptions

There are a number of exemptions to these face covering rules:

- a person under 12 years
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a resident of a residential aged care facility
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is on a construction site
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in	\$200

	entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	96960 (Fail to comply with any other wear face covering directive) – individual	\$200
	896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96587 (Not wear fitted face covering in retail/business premises) 96588 (Not wear fitted face covering in licensed gaming area) 96589 (Not wear fitted face covering in entertainment facility) 96590 (Not wear fitted face covering in place of public worship etc) 96591 (Not wear fitted face covering residential aged care facility) 96592 (Not wear fitted face covering public transport waiting area) 96593 (Not wear fitted face covering in public transport/taxi etc) 96594 (Not wear fitted face covering - hospitality venue worker) 96595 (Operator not ensure hospitality workers wear fitted face coverings -	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

	<p>individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

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Health Minister's COVID-19 Movement and Gathering Restrictions

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Note on police powers

- Police do **NOT** have the power to direct a person to state their full name and residential address to determine whether they are complying with this order.
- Under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.

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An affected person must **not**, without reasonable excuse:

- (a) be away from the person's home wherever located, or
- (b) be away from the temporary accommodation wherever located.

Reasonable excuses for this Part include:

- obtaining food or other goods and services in Greater Sydney for the personal needs of the household or other household purposes, including for pets, and for vulnerable persons
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation in Greater Sydney

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a significant event that complies with this order, even if its outside of Greater Sydney
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence , victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
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- enters by road and travels through by the most practicable route
- enters by air and does not leave the airport

- enters by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route
- enters to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on gatherings

A person must not participate in an outdoor public gathering of more than **10 persons**.

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- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering at a funeral at which there are no more than 100 persons, including the person conducting the service
- a gathering for a wedding which takes place before the end of 27 June 2021
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

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The following premises must not be open to members of the public:

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 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a wedding service, or a gathering following, before the end of 27 June 2021
 - (iv) a funeral or memorial service, or a gathering following, of no more than 100 including the person conducting the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of—
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a wedding, or a gathering following that service, before the end of 27 June 2021
 - (v) a funeral or memorial service, or a gathering following that service, of no more than 100 including the person conducting the service.
- entertainment facilities, except for a wedding service or gathering following (before the end of 27 June 2021), or a funeral or memorial service or gathering following of no more than 100 including the person conducting the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or conducting a wedding service or gathering following before the end of 27 June 2021 or a funeral or memorial service or gathering following of no more than 100 persons including the person conducting the service
- places of public worship, except for the purposes of:
 - (i) conducting a wedding service or gathering following before the end of 27 June 2021

- (ii) conducting a funeral or memorial service or gathering following of no more than 100 persons including the person conducting the service
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- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for purposes of:
 - (i) accommodating permanent residents of the caravan park or camping ground or other persons who have no other place of permanent residence, and
 - (ii) allowing visitors to visit permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from:

- conducting an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- conducting an auction at which persons attend in person.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- (a) that was made before 26 June 2021, and
- (b) that has not been extended after 26 June 2021.

DIRECTIONS OTHER THAN SPECIAL DIRECTIONS

Working from home

An employer must allow an employee to work from home if it is reasonably practicable to do so.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a significant event.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(refer to Fact Sheet 23 for meanings of the above)
- working at a hospitality venue and dealing directly with members of the public.

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

Exemptions

There are a number of exemptions to these face covering rules:

- a person under 12 years
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a resident of a residential aged care facility
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is on a construction site
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in	\$200

	entertainment facility) 96590 (Not wear fitted face covering in place of public worship etc) 96591 (Not wear fitted face covering residential aged care facility) 96592 (Not wear fitted face covering public transport waiting area) 96593 (Not wear fitted face covering in public transport/taxi etc) 96594 (Not wear fitted face covering - hospitality venue worker) 96595 (Operator not ensure hospitality workers wear fitted face coverings - individual) 896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation) 96953 (Not wear face covering in indoor area of non-residential premises) 96954 (Not wear fitted face covering in prescribed outdoor gathering) 96960 (Fail to comply with any other wear face covering directive) – individual 896960 (Fail to comply with any other wear face covering directive) – corporation	\$200 \$200 \$200 \$200 \$200 \$1000 \$200 \$200 \$200 \$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96587 (Not wear fitted face covering in retail/business premises) 96588 (Not wear fitted face covering in licensed gaming area) 96589 (Not wear fitted face covering in entertainment facility) 96590 (Not wear fitted face covering in place of public worship etc) 96591 (Not wear fitted face covering residential aged care facility) 96592 (Not wear fitted face covering public transport waiting area) 96593 (Not wear fitted face covering in public transport/taxi etc) 96594 (Not wear fitted face covering - hospitality venue worker) 96595 (Operator not ensure hospitality workers wear fitted face coverings -	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

	<p>individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* was made on 26 June 2021 and applies to GREATER SYDNEY (including the BLUE MOUNTAINS) and the Local Government Areas (LGAs) of SHELLHARBOUR, the CENTRAL COAST and the CITY OF WOLLONGONG. The Order expires at the beginning of 10 July 2021.

Note on police powers

- Police do **NOT** have the general power under the Order to direct a person to state their full name and residential address to determine whether they are complying with this order.
- Under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.

SPECIAL DIRECTIONS FOR GREATER SYDNEY

An **affected person** means:

- (a) a person whose home or usual place of work is in Greater Sydney
- (b) a person who is staying in temporary accommodation in Greater Sydney
- (c) any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attend university or other tertiary education.

'Significant event' means a funeral or memorial service, a wedding service, or a gathering following those services.

Stay at home

An affected person must **not**, without reasonable excuse:

- (a) be away from the person's home wherever located, or
- (b) be away from the temporary accommodation wherever located.

Reasonable excuses for this Part include:

- obtaining food or other goods and services in Greater Sydney for the personal needs of the household or other household purposes, including for pets, and for vulnerable persons
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation in Greater Sydney (e.g. fishing, sitting on a beach, picnic).

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a significant event that complies with this order, even if its outside of Greater Sydney
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an affected area to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

A person who leaves their residence for a reasonable excuse must still comply with the 10 person gathering rule (see below).

The above does not apply to the homeless.

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney includes:

- to go to the person's home in Greater Sydney, or
- any of those reasonable excuses listed above for leaving home, except for exercising or outdoor recreation
- attending a significant event that complies with the order.

A person must not enter Greater Sydney to obtain food or other goods or services unless the food, goods or services, or equivalent food, goods or services, are not reasonably available outside the area.

A person who enters an affected area for a reasonable excuse must still comply with the 10 person gathering rule (see below).

Taking a holiday is NOT a reasonable excuse.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle
- enters by road and travels through by the most practicable route
- enters by air and does not leave the airport

- enters by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route
- enters to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on gatherings

A person must not participate in an outdoor public gathering of more than **10 persons**.

The 10 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering at a funeral at which there are no more than 100 persons, including the person conducting the service
- a gathering for a wedding which takes place before the end of 27 June 2021
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a wedding service, or a gathering following, before the end of 27 June 2021
 - (iv) a funeral or memorial service, or a gathering following, of no more than 100 including the person conducting the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of—
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a wedding, or a gathering following that service, before the end of 27 June 2021
 - (v) a funeral or memorial service, or a gathering following that service, of no more than 100 including the person conducting the service.
- entertainment facilities, except for a wedding service or gathering following (before the end of 27 June 2021), or a funeral or memorial service or gathering following of no more than 100 including the person conducting the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or conducting a wedding service or gathering following before the end of 27 June 2021 or a funeral or memorial service or gathering following of no more than 100 persons including the person conducting the service
- places of public worship, except for the purposes of:
 - (i) conducting a wedding service or gathering following before the end of 27 June 2021

- (ii) conducting a funeral or memorial service or gathering following of no more than 100 persons including the person conducting the service
- (iii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for purposes of:
 - (i) accommodating permanent residents of the caravan park or camping ground or other persons who have no other place of permanent residence, and
 - (ii) allowing visitors to visit permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from:

- conducting an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- conducting an auction at which persons attend in person.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- (a) that was made before 26 June 2021, and
- (b) that has not been extended after 26 June 2021.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must allow an employee to work from home if it is reasonably practicable to do so.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a significant event.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

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An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(refer to Fact Sheet 23 for meanings of the above)
- working at a hospitality venue and dealing directly with members of the public.

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

Exemptions

There are a number of exemptions to these face covering rules:

- a person under 12 years
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a resident of a residential aged care facility
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is on a construction site
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

Penalties

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	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in	\$200

	entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	96960 (Fail to comply with any other wear face covering directive) – individual	\$200
	896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96587 (Not wear fitted face covering in retail/business premises) 96588 (Not wear fitted face covering in licensed gaming area) 96589 (Not wear fitted face covering in entertainment facility) 96590 (Not wear fitted face covering in place of public worship etc) 96591 (Not wear fitted face covering residential aged care facility) 96592 (Not wear fitted face covering public transport waiting area) 96593 (Not wear fitted face covering in public transport/taxi etc) 96594 (Not wear fitted face covering - hospitality venue worker) 96595 (Operator not ensure hospitality workers wear fitted face coverings -	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

	<p>individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* was made on 26 June 2021. The Order expires at the beginning of 10 July 2021.

Note on police powers

- Police do **NOT** have the general power under the Order to direct a person to state their full name and residential address to determine whether they are complying with this order.
- Under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An **affected person** means:

- (a) a person whose home or usual place of work is in Greater Sydney
- (b) a person who is staying in temporary accommodation in Greater Sydney
- (c) any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

'Significant event' means a funeral or memorial service, a wedding service, or a gathering following those services.

Stay at home

An affected person must **not**, without reasonable excuse:

- (a) be away from the person's home wherever located, or
- (b) be away from the temporary accommodation wherever located.

Reasonable excuses for this Part include:

- obtaining food or other goods and services in Greater Sydney for the personal needs of the household or other household purposes, including for pets, and for vulnerable persons
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation in Greater Sydney or if the person lives or is staying outside Greater Sydney in the local government area where the person lives or is staying. The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed

to maintain the physical and mental wellbeing of people. Ideally, people will undertake exercise and outdoor recreation in close proximity to their home.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a funeral or memorial service, or a gathering following that service, with no more than 100 persons including the person conducting the service
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an affected area to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

A person who leaves their residence for a reasonable excuse must still comply with the 10 person gathering rule (see below).

The above does not apply to the homeless.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine ("exempt person"), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney includes:

- to go to the person's home in Greater Sydney, or
- any of those reasonable excuses listed above for leaving home, except for exercising or outdoor recreation
- attending a significant event that complies with the order.

A person must not enter Greater Sydney to obtain food or other goods or services unless the food, goods or services, or equivalent food, goods or services, are not reasonably available outside the area.

A person who enters an affected area for a reasonable excuse must still comply with the 10 person gathering rule (see below).

Taking a holiday is NOT a reasonable excuse.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle
- enters by road and travels through by the most practicable route
- enters by air and does not leave the airport
- enters by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route
- enters to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **10 persons**.

The 10 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering at a funeral at which there are no more than 100 persons, including the person conducting the service
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a funeral or memorial service, or a gathering following, of no more than 100 including the person conducting the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages

- (iv) a funeral or memorial service, or a gathering following that service, of no more than 100 including the person conducting the service.
- entertainment facilities, except for a funeral or memorial service or gathering following of no more than 100 including the person conducting the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
 - amusement centres
 - 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 take-away food or beverages,
 - recreation facilities (indoor), except for the purposes of educational services or childcare, or conducting a funeral or memorial service or gathering following of no more than 100 persons including the person conducting the service
 - places of public worship, except for the purposes of:
 - (i) conducting a funeral or memorial service or gathering following of no more than 100 persons including the person conducting the service, or
 - (ii) providing educational services or childcare.
 - hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
 - auction houses or betting agencies
 - markets, but not markets that predominantly sell food
 - information and education facilities, except for educational services or childcare
 - caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
 - sex services premises
 - sex on premises venues
 - casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
 - nightclubs
 - public swimming pool, but not a natural swimming pool
 - a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
 - gaming lounges
 - strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- (a) that was made before 26 June 2021, and
- (b) that has not been extended after 26 June 2021.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must allow an employee to work from home if it is reasonably practicable to do so.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a significant event.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,

- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering

(refer to Fact Sheet 23 for meanings of the above)

- working at a hospitality venue and dealing directly with members of the public.

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

Exemptions

There are a number of exemptions to these face covering rules:

- a person under 12 years
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a resident of a residential aged care facility
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is on a construction site
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	96960 (Fail to comply with any other wear face covering directive) – individual	\$200
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96587 (Not wear fitted face covering in retail/business premises)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	

	<p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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- 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 St 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

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Health Minister's COVID-19
Movement and Gathering
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Public Health Act 2010

The ***Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*** was made on 26 June 2021. The Order expires at the beginning of 10 July 2021.

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- Police do **NOT** have the general power under the Order to direct a person to state their full name and residential address to determine whether they are complying with this order.
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- (c) any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

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'Significant event' means a funeral or memorial service, a wedding service, or a gathering following those services.

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An affected person must **not**, without reasonable excuse:

- (a) be away from the person's home wherever located, or
- (b) be away from the temporary accommodation wherever located.

Reasonable excuses for this Part include:

- obtaining food or other goods and services for the personal needs of the household or other household purposes, including for pets, and for vulnerable persons
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation in Greater Sydney or if the person lives or is staying outside Greater Sydney in the local government area where the person lives or is staying. The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed

to maintain the physical and mental wellbeing of people. Ideally, people will undertake exercise and outdoor recreation in close proximity to their home.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a funeral or memorial service, or a gathering following that service, with no more than 100 persons including the person conducting the service
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
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This Order does NOT prevent a person in temporary accommodation in an affected area to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
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The above does not apply to the homeless.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine ("exempt person"), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney includes:

- to go to the person's home in Greater Sydney, or
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- attending a significant event that complies with the order.

A person must not enter Greater Sydney to obtain food or other goods or services unless the food, goods or services, or equivalent food, goods or services, are not reasonably available outside the area.

A person who enters an affected area for a reasonable excuse must still comply with the 10 person gathering rule (see below).

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A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle
- enters by road and travels through by the most practicable route
- enters by air and does not leave the airport
- enters by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route
- enters to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **10 persons**.

The 10 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering at a funeral at which there are no more than 100 persons, including the person conducting the service
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a funeral or memorial service, or a gathering following, of no more than 100 including the person conducting the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages

- (iv) a funeral or memorial service, or a gathering following that service, of no more than 100 including the person conducting the service.
- entertainment facilities, except for a funeral or memorial service or gathering following of no more than 100 including the person conducting the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
 - amusement centres
 - 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 take-away food or beverages,
 - recreation facilities (indoor), except for the purposes of educational services or childcare, or conducting a funeral or memorial service or gathering following of no more than 100 persons including the person conducting the service
 - places of public worship, except for the purposes of:
 - (i) conducting a funeral or memorial service or gathering following of no more than 100 persons including the person conducting the service, or
 - (ii) providing educational services or childcare.
 - hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
 - auction houses or betting agencies
 - markets, but not markets that predominantly sell food
 - information and education facilities, except for educational services or childcare
 - caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
 - sex services premises
 - sex on premises venues
 - casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
 - nightclubs
 - public swimming pool, but not a natural swimming pool
 - a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
 - gaming lounges
 - strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- (a) that was made before 26 June 2021, and
- (b) that has not been extended after 26 June 2021.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must allow an employee to work from home if it is reasonably practicable to do so.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a significant event.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,

- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering

(refer to Fact Sheet 23 for meanings of the above)

- working at a hospitality venue and dealing directly with members of the public.

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

Exemptions

There are a number of exemptions to these face covering rules:

- a person under 12 years
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a resident of a residential aged care facility
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is on a construction site
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	96960 (Fail to comply with any other wear face covering directive) – individual	\$200
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96587 (Not wear fitted face covering in retail/business premises)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	

	<p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* was made on 26 June 2021. The Order expires at the beginning of 10 July 2021.

Note on police powers

- Police do **NOT** have the general power under the Order to direct a person to state their full name and residential address to determine whether they are complying with this order.
- Under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An **affected person** means:

- (a) a person whose home or usual place of work is in Greater Sydney
- (b) a person who is staying in temporary accommodation in Greater Sydney
- (c) any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

'Significant event' means a funeral or memorial service, a wedding service, or a gathering following those services.

Stay at home

An affected person must not, without reasonable excuse:

- (a) be away from the person's home wherever located, or
- (b) be away from the temporary accommodation wherever located.

Reasonable excuses for this Part include:

- obtaining food or other goods and services for the personal needs of the household or other household purposes, including for pets, and for vulnerable persons
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation in Greater Sydney or if the person lives or is staying outside Greater Sydney in the local government area where the person lives or is staying. The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people. Ideally, people will undertake exercise and outdoor recreation in close proximity to their home.
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a funeral or memorial service, or a gathering following that service, with no more than 100 persons including the person conducting the service
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an affected area to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

A person who leaves their residence for a reasonable excuse must still comply with the 10 person gathering rule (see below).

The above does not apply to the homeless.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine ("exempt person"), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and

- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine facility (under the Air or Maritime Orders), or under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney includes:

- to go to the person's home in Greater Sydney, or
- any of those reasonable excuses listed above for leaving home, except for exercising or outdoor recreation
- attending a significant event that complies with the order.

A person must not enter Greater Sydney to obtain food or other goods or services unless the food, goods or services, or equivalent food, goods or services, are not reasonably available outside the area.

A person who enters an affected area for a reasonable excuse must still comply with the 10 person gathering rule (see below).

Taking a holiday is NOT a reasonable excuse.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **10 persons**.

The 10 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering at a funeral at which there are no more than 100 persons, including the person conducting the service
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a funeral or memorial service, or a gathering following, of no more than 100 including the person conducting the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a funeral or memorial service, or a gathering following that service, of no more than 100 including the person conducting the service.
- entertainment facilities, except for a funeral or memorial service or gathering following of no more than 100 including the person conducting the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or conducting a funeral or memorial service or gathering following of no more than 100 persons including the person conducting the service
- places of public worship, except for the purposes of:
 - (i) conducting a funeral or memorial service or gathering following of no more than 100 persons including the person conducting the service, or
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises

- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- (a) that was made before 26 June 2021, and
- (b) that has not been extended after 26 June 2021.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must allow an employee to work from home if it is reasonably practicable to do so.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a significant event.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or

- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(refer to Fact Sheet 23 for meanings of the above)
- working at a hospitality venue and dealing directly with members of the public.

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person

- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a resident of a residential aged care facility
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is on a construction site
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000	

	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	96960 (Fail to comply with any other wear face covering directive) – individual	\$200
	896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96587 (Not wear fitted face covering in retail/business premises) 96588 (Not wear fitted face covering in licensed gaming area) 96589 (Not wear fitted face covering in entertainment facility) 96590 (Not wear fitted face covering in place of public worship etc) 96591 (Not wear fitted face covering residential aged care facility) 96592 (Not wear fitted face covering public transport waiting area) 96593 (Not wear fitted face covering in public transport/taxi etc) 96594 (Not wear fitted face covering - hospitality venue worker) 96595 (Operator not ensure hospitality workers wear fitted face coverings - individual) 896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation) 96953 (Not wear face covering in indoor area of non-residential premises) 96954 (Not wear fitted face covering in prescribed outdoor gathering) 96960 (Fail to comply with any other wear face covering directive) – individual 896960 (Fail to comply with any other wear face covering directive) – corporation 96952 Travel from Metropolitan Sydney area to place in NSW outside area 95638 Fail to comply with noticed	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

	direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	
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Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* was made on 26 June 2021. The Order expires at the beginning of 17 July 2021.

Note on police powers

- Police do **NOT** have the general power under the Order to direct a person to state their full name and residential address to determine whether they are complying with this order.
- Under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An **affected person** means:

- (a) a person whose home or usual place of work is in Greater Sydney
- (b) a person who is staying in temporary accommodation in Greater Sydney
- (c) any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

'Significant event' means a funeral or memorial service, a wedding service, or a gathering following those services.

Stay at home

An affected person must **not**, without reasonable excuse:

- (a) be away from the person's home wherever located, or

(b) be away from the temporary accommodation wherever located.

Reasonable excuses for this Part include:

- obtaining food or other goods and services for the personal needs of the household or other household purposes, including for pets, and for vulnerable persons
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation in Greater Sydney or if the person lives or is staying outside Greater Sydney in the local government area where the person lives or is staying. The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people. Ideally, people will undertake exercise and outdoor recreation in close proximity to their home.
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a funeral or memorial service, or a gathering following that service, with no more than 100 persons including the person conducting the service
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an affected area to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

A person who leaves their residence for a reasonable excuse must still comply with the 10 person gathering rule (see below).

The above does not apply to the homeless.

Authorised visitors to places of residence

From 5pm on 8 July 2021, each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an *authorised visitor*. Similarly, a person must not visit a home in Greater Sydney unless they are an *authorised visitor*. An *authorised visitor* is a person who is at the home:

- for work or childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,

- to avoid an injury or illness, to escape a risk of harm, or because of an emergency.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine facility (under the Air or Maritime Orders), or under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney includes:

- to go to the person's home in Greater Sydney, or
- any of those reasonable excuses listed above for leaving home, except for exercising or outdoor recreation
- attending a significant event that complies with the order.

A person must not enter Greater Sydney to obtain food or other goods or services unless the food, goods or services, or equivalent food, goods or services, are not reasonably available outside the area.

A person who enters an affected area for a reasonable excuse must still comply with the 10 person gathering rule (see below).

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine ("exempt person"), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and

- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **10 persons**.

The 10 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering at a funeral at which there are no more than 100 persons, including the person conducting the service
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a funeral or memorial service, or a gathering following, of no more than 100 including the person conducting the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a funeral or memorial service, or a gathering following that service, of no more than 100 including the person conducting the service.
- entertainment facilities, except for a funeral or memorial service or gathering following of no more than 100 including the person conducting the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,

- recreation facilities (indoor), except for the purposes of educational services or childcare, or conducting a funeral or memorial service or gathering following of no more than 100 persons including the person conducting the service
- places of public worship, except for the purposes of:
 - (i) conducting a funeral or memorial service or gathering following of no more than 100 persons including the person conducting the service, or
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- (a) that was made before 26 June 2021, and
- (b) that has not been extended after 26 June 2021.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must allow an employee to work from home if it is reasonably practicable to do so.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a significant event.

Holiday homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,

- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(refer to Fact Sheet 23 for meanings of the above)
- working at a hospitality venue and dealing directly with members of the public.

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a resident of a residential aged care facility
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is on a construction site
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
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	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	96960 (Fail to comply with any other wear face covering directive) – individual	\$200
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96587 (Not wear fitted face covering in retail/business premises)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	
	96591 (Not wear fitted face covering residential aged care facility)	

	<p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* was amended on 9 July 2021. The Order expires at the beginning of 17 July 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An ***affected person*** means:

- (a) a person whose home or usual place of work is in Greater Sydney
- (b) a person who is staying in temporary accommodation in Greater Sydney
- (c) any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

'Significant event' means a funeral or memorial service, a wedding service, or a gathering following those services.

Stay at home

An affected person must not, without reasonable excuse:

- (a) be away from the person's home wherever located, or
- (b) be away from the temporary accommodation wherever located.

Reasonable excuses for this Part include:

- obtaining food, goods and services for the personal or other needs of the person's household , including for vulnerable persons and pets. Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation within the person's LGA within Greater Sydney, or alternatively no further than 10 kilometres from the person's home or accommodation if the place is in another LGA. The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people. . No car-pooling is allowed to travel to or from a place for exercise or outdoor recreation, other than with a member of the person's household.
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a funeral, memorial service or gathering afterwards, with no more than 100 persons including the person conducting the service. From 11 July 2021 this number reduces to 10. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services

- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an affected area to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

A person who leaves their residence for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

The above does not apply to the homeless.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an *authorised visitor*. Similarly, a person must not visit a home in Greater Sydney unless they are an *authorised visitor*. An *authorised visitor* is a person who is at the home:

- for work or childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer’s responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don’t live together.
- Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine facility (under the Air or Maritime Orders), or under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney includes:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- until 11 July 2021, attending a funeral, memorial service and gathering afterwards that complies with the order (eg no more than 100 people)
- from 11 July 2021, attending a funeral, memorial service or gathering afterwards of no more than 10 persons, including the person conducting the service.

A person who enters an affected area for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine ("exempt person"), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or

- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering at a funeral, memorial service or gatherings afterwards at which there are no more than 100 persons, including the person conducting the service until the beginning of 11 July 2021
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a funeral, memorial service or gathering afterwards, of no more than 100 including the person conducting the service and from 11 July 2021 this number reduces to 10
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a funeral, memorial service or gathering afterwards, of no more than 100 including the person conducting the service and from 11 July 2021 this number reduces to 10
- entertainment facilities, except for a funeral, memorial service or gathering afterwards, of no more than 100 including the person conducting the service and from 11 July 2021 this number reduces to 10 (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a funeral, memorial service or gathering afterwards, of no more than 100 including the person conducting the service and from 11 July 2021 this number reduces to 10
- places of public worship, except for the purposes of:
 - (i) a funeral, memorial service or gathering afterwards, of no more than 100 including the person conducting the service and from 11 July 2021 this number reduces to 10

- (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- (a) that was made before 26 June 2021, and
- (b) that has not been extended after 26 June 2021.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must allow an employee to work from home if it is reasonably practicable to do so.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household

- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a significant event.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(refer to Fact Sheet 23 for meanings of the above)
- working at a hospitality venue and dealing directly with members of the public.
- from 13 July, in an indoor area on common property of a place of residence in Greater Sydney only.

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a resident of a residential aged care facility
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200

	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	\$200
	96960 (Fail to comply with any other wear face covering directive) – individual	\$200
	896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96587 (Not wear fitted face covering in retail/business premises) 96588 (Not wear fitted face covering in licensed gaming area) 96589 (Not wear fitted face covering in entertainment facility) 96590 (Not wear fitted face covering in place of public worship etc) 96591 (Not wear fitted face covering residential aged care facility) 96592 (Not wear fitted face covering public transport waiting area) 96593 (Not wear fitted face covering in public transport/taxi etc) 96594 (Not wear fitted face covering - hospitality venue worker) 96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

	<p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* was amended on 10 July 2021. The Order expires at the beginning of 17 July 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- From 14 July 2021, a Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- From 14 July 2021, a worker from the LGA of City of Fairfield who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act (PHA)*. Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An **affected person** means:

- (a) a person whose home or usual place of work is in Greater Sydney
- (b) a person who is staying in temporary accommodation in Greater Sydney
- (c) any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must not, without reasonable excuse:

- (a) be away from the person's home wherever located, or
- (b) be away from the temporary accommodation wherever located.

Reasonable excuses for this Part include:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - no car-pooling is used to travel to or from a place for exercise or outdoor recreation, other than with a member of the person's household
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a funeral or memorial service or gathering afterwards, with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation

of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.

- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an affected area to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

A person who leaves their residence for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

The above does not apply to the homeless.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an *authorised visitor*. Similarly, a person must not visit a home in Greater Sydney unless they are an *authorised visitor*. An *authorised visitor* is a person who is at the home:

- for work or childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine facility (under the Air or Maritime Orders), or under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney includes:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

A person who enters an affected area for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine ("exempt person"), OR a person who is

providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a funeral or memorial service or gatherings afterwards at which there are no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages

- (iv) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- (a) that was made before 26 June 2021, and
- (b) that has not been extended after 26 June 2021.

Mandatory COVID-19 testing for workers living in City of Fairfield and working at premises in another LGA

An “affected worker” is a person whose home or temporary accommodation is in the **City of Fairfield** LGA.

From 14 July 2021, an affected worker must not enter premises for work in a LGA outside the City of Fairfield unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier or premises (except in residential premises) must not allow an affected worker to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: There is an exemption until 17 July 2021 if a person has taken reasonable steps to comply.

An emergency service worker must be tested for COVID-19 before 21 July 2021 and at least every 7 days afterwards. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A “Greater Sydney worker” is a person whose home or temporary accommodation is in Greater Sydney.

From 14 July 2021, a Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: There is an exemption until 19 July 2021 if a person has taken reasonable steps to comply.

An emergency services worker and their employer are exempt from these requirements if the worker’s usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must allow an employee to work from home if it is reasonably practicable to do so.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(refer to Fact Sheet 23 for meanings of the above)
- working at a hospitality venue and dealing directly with members of the public.
- from 13 July, in an indoor area on common property of a place of residence in Greater Sydney only.

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a resident of a residential aged care facility
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	\$200
	96960 (Fail to comply with any other wear face covering directive) – individual	\$200
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000

Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	<p>96587 (Not wear fitted face covering in retail/business premises)</p> <p>96588 (Not wear fitted face covering in licensed gaming area)</p> <p>96589 (Not wear fitted face covering in entertainment facility)</p> <p>96590 (Not wear fitted face covering in place of public worship etc)</p> <p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* was amended on 10 July 2021. The Order expires at the beginning of 17 July 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- From 14 July 2021, a Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- From 14 July 2021, a worker from the LGA of City of Fairfield who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act (PHA)*. Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An **affected person** means:

- (a) a person whose home or usual place of work is in Greater Sydney
- (b) a person who is staying in temporary accommodation in Greater Sydney
- (c) any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must not, without reasonable excuse:

- (a) be away from the person's home wherever located, or
- (b) be away from the temporary accommodation wherever located.

Reasonable excuses for this Part include:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - no car-pooling is used to travel to or from a place for exercise or outdoor recreation, other than with a member of the person's household
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination

- attending a funeral or memorial service or gathering afterwards, with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an affected area to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

A person who leaves their residence for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

The above does not apply to the homeless.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an *authorised visitor*. Similarly, a person must not visit a home in Greater Sydney unless they are an *authorised visitor*. An *authorised visitor* is a person who is at the home:

- for work or childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer’s responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don’t live together.
- Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine facility (under the Air or Maritime Orders), or under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney includes:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

A person who enters an affected area for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine ("exempt person"), OR a person who is

providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a funeral or memorial service or gatherings afterwards at which there are no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages

- (iv) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
 - amusement centres
 - 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 take-away food or beverages,
 - recreation facilities (indoor), except for the purposes of educational services or childcare, or a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - places of public worship, except for the purposes of:
 - (i) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
 - hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
 - auction houses or betting agencies
 - markets, but not markets that predominantly sell food
 - information and education facilities, except for educational services or childcare
 - caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
 - sex services premises
 - sex on premises venues
 - casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
 - nightclubs
 - public swimming pool, but not a natural swimming pool
 - a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
 - gaming lounges
 - strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- (a) that was made before 26 June 2021, and
- (b) that has not been extended after 26 June 2021.

Mandatory COVID-19 testing for workers living in City of Fairfield and working at premises in another LGA

An “affected worker” is a person whose home or temporary accommodation is in the **City of Fairfield** LGA.

From 14 July 2021, an affected worker must not enter premises for work in a LGA outside the City of Fairfield unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier or premises (except in residential premises) must not allow an affected worker to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: There is an exemption until 17 July 2021 if a person has taken reasonable steps to comply.

An emergency service worker must be tested for COVID-19 before 21 July 2021 and at least every 7 days afterwards. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A “Greater Sydney worker” is a person whose home or temporary accommodation is in Greater Sydney.

From 14 July 2021, a Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: There is an exemption until 19 July 2021 if a person has taken reasonable steps to comply.

An emergency services worker and their employer are exempt from these requirements if the worker’s usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must allow an employee to work from home if it is reasonably practicable to do so.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet)
- working at a hospitality venue and dealing directly with members of the public.
- from 13 July, in an indoor area on common property of a place of residence in Greater Sydney only.

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a resident of a residential aged care facility
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST AND WOLLONGONG

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**—
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to—
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	\$200
96960 (Fail to comply with any other wear face covering directive) – individual	\$200	
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96587 (Not wear fitted face covering in retail/business premises)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	

	<p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* was amended on 10 July 2021. The Order expires at the beginning of 31 July 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- From 14 July 2021, a Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- From 14 July 2021, a worker from the LGA of City of Fairfield who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act (PHA)*. Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An **affected person** means:

- (a) a person whose home or usual place of work is in Greater Sydney
- (b) a person who is staying in temporary accommodation in Greater Sydney
- (c) any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must not, without reasonable excuse:

- (a) be away from the person's home wherever located, or
- (b) be away from the temporary accommodation wherever located.

Reasonable excuses for this Part include:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - no car-pooling is used to travel to or from a place for exercise or outdoor recreation, other than with a member of the person's household
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination

- attending a funeral or memorial service or gathering afterwards, with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an affected area to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

A person who leaves their residence for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

The above does not apply to the homeless.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an *authorised visitor*. Similarly, a person must not visit a home in Greater Sydney unless they are an *authorised visitor*. An *authorised visitor* is a person who is at the home:

- for work or childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer’s responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don’t live together.
- Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine facility (under the Air or Maritime Orders), or under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney includes:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

A person who enters an affected area for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine ("exempt person"), OR a person who is

providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a funeral or memorial service or gatherings afterwards at which there are no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages

- (iv) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- (a) that was made before 26 June 2021, and
- (b) that has not been extended after 26 June 2021.

Mandatory COVID-19 testing for workers living in City of Fairfield and working at premises in another LGA

An “affected worker” is a person whose home or temporary accommodation is in the **City of Fairfield** LGA.

From 14 July 2021, an affected worker must not enter premises for work in a LGA outside the City of Fairfield unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier or premises (except in residential premises) must not allow an affected worker to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: There is an exemption until 17 July 2021 if a person has taken reasonable steps to comply.

An emergency service worker must be tested for COVID-19 before 21 July 2021 and at least every 7 days afterwards. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A “Greater Sydney worker” is a person whose home or temporary accommodation is in Greater Sydney.

From 14 July 2021, a Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: There is an exemption until 19 July 2021 if a person has taken reasonable steps to comply.

An emergency services worker and their employer are exempt from these requirements if the worker’s usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must allow an employee to work from home if it is reasonably practicable to do so.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet)
- working at a hospitality venue and dealing directly with members of the public.
- from 13 July, in an indoor area on common property of a place of residence in Greater Sydney only.

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a resident of a residential aged care facility
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST AND WOLLONGONG

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**—
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to—
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	\$200
96960 (Fail to comply with any other wear face covering directive) – individual	\$200	
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96587 (Not wear fitted face covering in retail/business premises)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	

	<p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* was amended on 18 July 2021 and expires at the beginning of 31 July 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A worker from the LGA of City of Fairfield, City of Liverpool or Canterbury-Bankstown who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPR. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPR, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPR allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPR if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act (PHA)*. Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can

assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An **affected person** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must **not**, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses for this Part include:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is **not** permitted.
- work if it is not practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading **Authorised visitors to places of residence**
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - no car-pooling is used to travel to or from a place for exercise or outdoor recreation, other than with a member of the person's household
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination

- attending a funeral or memorial service or gathering afterwards, with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

A person who leaves their residence for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

The above does not apply to the homeless.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine facility (under the Air or Maritime Orders), or under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for work or childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

From 19 July 2021, a person is not authorised to visit a home in Greater Sydney to clean or carry out repairs, maintenance, alterations, additions or other trades except if the work is urgent for the health, safety or security of the home or household members or because of an emergency.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A **reasonable excuse** to enter Greater Sydney includes:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

A person who enters Greater Sydney for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a funeral or memorial service or gatherings afterwards at which there are no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages

- (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
- (iii) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Closure of construction sites

From 19 July 2021, work cannot be done on construction sites in Greater Sydney.

Exemptions: the work is urgently required:

- for the safety and security of the site
- to deal with environmental risks
- to maintain critical plant or equipment
- to receive deliveries that would otherwise deteriorate
- to maintain public utilities
- to ensure the safe operation of existing transport infrastructure
- for an emergency
- by NSW Health in response to the COVID-19 pandemic.

A person cannot enter or stay on a construction site except for the reasons above.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure but not work on a dwelling in which the person is living.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household.

Two or more police can travel in a vehicle together but they must wear a mask.

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons

An adult travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW

Special provisions for affected persons

Prohibition on leaving affected area for work

An affected person must not leave their LGA for work unless exempt. Refer to Annexure B for exemptions.

An affected person is a person whose principal home or temporary accommodation is in the **City of Fairfield, City of Liverpool or Canterbury-Bankstown** LGAs.

Mandatory COVID-19 testing for workers from the City of Fairfield at premises in another LGA

An person who lives or has temporary accommodation in the City of Fairfield must not enter premises for work in a LGA outside the City of Fairfield unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier or premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 before 21 July 2021 and at least every 7 days afterwards. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A “Greater Sydney worker” is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: There is an exemption until 19 July 2021 if a person has taken reasonable steps to comply.

An emergency services worker and their employer are exempt from these requirements if the worker’s usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must require an employee to work from home if it is reasonably practicable to do so.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any

one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holiday homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm

rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet)
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front

- working in an outdoor area in Greater Sydney

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST AND WOLLONGONG

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**—
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to—
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	\$200
	96960 (Fail to comply with any other wear face covering directive) – individual	\$200
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96587 (Not wear fitted face covering in retail/business premises)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	

	<p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

Annexure B

Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

Item	Sector	Exempted affected person
1.	Retail trade	<p>a person employed or engaged to work for a retail premises specified in clause 24(1A) of the Order:</p> <ul style="list-style-type: none"> • supermarkets and neighbourhood shops • shops that predominantly sell food or drinks • chemists and pharmacies • kiosks • shops that predominately sell any of the following— <ul style="list-style-type: none"> — office supplies, — pet supplies — (newspapers, magazines and stationery — alcohol — maternity and baby supplies — medical or pharmaceutical supplies • food and drink premises, but only as permitted under clause 24(1)(b) of the Order • cellar door premises, but only as permitted under clause 24(1)(e) of the Order • hardware and building supplies • landscaping material supplies • rural supplies • timber yards • garden centres and plant nurseries, • vehicle hire premises, not including the premises at which vehicles are sold
2.	Retail trade	industrial or commercial food retailing
3.	Administrative and support services	“click and collect” services
4.	Public administration and safety	a member of the NSW Police Force, Fire and Rescue NSW, the NSW State Emergency Service, the NSW Rural Fire Service or the Ambulance Service of NSW or other emergency services worker
5.	Public administration and safety	the administration of justice, including in relation to the operation of courts and tribunals, correctional centres and community corrections
6.	Public administration and safety	a person employed or engaged by or on behalf of the NSW Government for the purposes of responding to the COVID-19 pandemic
7.	Public administration and safety	<ul style="list-style-type: none"> • a members of an Australian Parliament • electorate office staff
8.	Public administration and safety	Defence, national security and law enforcement

Item	Sector	Exempted affected person
9.	Public administration and safety	<ul style="list-style-type: none"> a person employed or engaged by Services Australia a person employed or engaged by Service NSW
10.	Health care and social assistance	a person who provides health services within the meaning of the Health Services Act 1997 (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner
11.	Health care and social assistance	a person employed or engaged by the Department of Communities and Justice to provide housing or homelessness services
12.	Health care and social assistance	a person employed or engaged to provide services to persons with disability or vulnerable persons
13.	Health care and social assistance	a person employed or engaged at a residential aged care facility
14.	Health care and social assistance	family violence and sexual assault services
15.	Health care and social assistance	veterinary services (including laboratory and diagnostic services and clinics)
16.	Health care and social assistance	animal welfare, care and accommodation services (excluding pet grooming unless there is an immediate animal welfare reason)
17.	Health care and social assistance	end of life services including funeral, crematorium and cemetery services, mortuaries and morgues, spiritual or religious services connected to end of life services
18.	Education	education and schooling
19.	Education	early childhood education and care
20.	Agriculture	biosecurity and food safety personnel undertaking critical duties
21.	Manufacturing	production and manufacturing of food, beverages, groceries and sanitary products
22.	Manufacturing	food and fibre processing and manufacturing
23.	Manufacturing	manufacture of food and beverage packaging
24.	Manufacturing	manufacture of coffins and caskets
25.	Manufacturing	manufacturing of medical equipment, consumables and personal protective equipment
26.	Manufacturing	manufacturing of telecommunications equipment and infrastructure
27.	Transport, postal and warehousing	seaport and airport operations

Item	Sector	Exempted affected person
28.	Transport, postal and warehousing	freight, logistics, postal, courier or delivery services (including food logistics, delivery and grocery fulfilment)
29.	Transport, postal and warehousing	export supply chain operators
30.	Transport, postal and warehousing	distribution of food, groceries and sanitary products for sale by supermarkets, grocery shops or other shops that predominantly sell food or drinks
31.	Transport, postal and warehousing	warehousing
32.	Transport, postal and warehousing	<ul style="list-style-type: none"> • road transport (passenger and freight) apart from taxi and rideshare services • rail transport (passenger and freight) – including rail yards • water transport (passenger and freight) • air transport (passenger and freight) • pipeline and other transport • transport support services • vehicle repairs and critical maintenance including disinfection • towing services • critical safety operational staff for transport
33.	Electricity, gas, water and waste services	<ul style="list-style-type: none"> • electricity services • operation of energy systems • gas services • liquid fuels • water supply, sewerage, sanitation and drainage services • waste resource recovery services (including collection, treatment and disposal services)
34.	Information media and telecommunications	<ul style="list-style-type: none"> • telecommunications services, internet service providers, web search portals and data processing services • data specialists and technicians • data storage
35.	Other services	essential services for the maintenance, safety and upkeep of public and recreational spaces

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* was amended on 18 July 2021 and expires at the beginning of 31 July 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A worker from the LGA of City of Fairfield, City of Liverpool or Canterbury-Bankstown who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act (PHA)*. Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can

assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An **affected person** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses for this Part include:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- work if it is not practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - no car-pooling is used to travel to or from a place for exercise or outdoor recreation, other than with a member of the person's household
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination

- attending a funeral or memorial service or gathering afterwards, with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

A person who leaves their residence for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

The above does not apply to the homeless.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine facility (under the Air or Maritime Orders), or under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for work or childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

From 19 July 2021, a person is not authorised to visit a home in Greater Sydney to clean or carry out repairs, maintenance, alterations, additions or other trades except if the work is urgent for the health, safety or security of the home or household members or because of an emergency.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A **reasonable excuse** to enter Greater Sydney includes:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

A person who enters Greater Sydney for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a funeral or memorial service or gatherings afterwards at which there are no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages

- (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
- (iii) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Closure of construction sites

From 19 July 2021, work cannot be done on construction sites in Greater Sydney.

Exemptions: the work is urgently required:

- for the safety and security of the site
- to deal with environmental risks
- to maintain and ensure the integrity of critical plant, equipment or assets, including partially completed works
- to receive deliveries that would otherwise deteriorate
- to maintain public utilities
- to ensure the safe operation of existing transport infrastructure
- for an emergency
- by NSW Health in response to the COVID-19 pandemic.

A person cannot enter or stay on a construction site except for the reasons above.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household.

Two or more police can travel in a vehicle together but they must wear a mask.

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW

Special provisions for affected persons

Prohibition on leaving affected area for work

An affected person must not leave their LGA for work unless exempt. Refer to Annexure B for exemptions.

An affected person is a person whose principal home or temporary accommodation is in the **City of Fairfield, City of Liverpool or Canterbury-Bankstown** LGAs.

Mandatory COVID-19 testing for workers from the City of Fairfield at premises in another LGA

An person who lives or has temporary accommodation in the City of Fairfield must not enter premises for work in a LGA outside the City of Fairfield unless:

- the worker has been tested for COVID-19 in the 72 hours before, and

- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier or premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 before 21 July 2021 and at least every 7 days afterwards. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A “Greater Sydney worker” is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: There is an exemption until 19 July 2021 if a person has taken reasonable steps to comply.

An emergency services worker and their employer are exempt from these requirements if the worker’s usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must require an employee to work from home if it is reasonably practicable to do so.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet)
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.

- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST AND WOLLONGONG

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**—
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to—
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	\$200
	96960 (Fail to comply with any other wear face covering directive) – individual	\$200
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96587 (Not wear fitted face covering in retail/business premises)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	

	<p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

Annexure B

Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

Item	Sector	Exempted affected person
1.	Retail trade	<p>a person employed or engaged to work for a retail premises specified in clause 24(1A) of the Order:</p> <ul style="list-style-type: none"> • supermarkets and neighbourhood shops • shops that predominantly sell food or drinks • chemists and pharmacies • kiosks • shops that predominately sell any of the following— <ul style="list-style-type: none"> — office supplies, — pet supplies — (newspapers, magazines and stationery — alcohol — maternity and baby supplies — medical or pharmaceutical supplies • food and drink premises, but only as permitted under clause 24(1)(b) of the Order • cellar door premises, but only as permitted under clause 24(1)(e) of the Order • hardware and building supplies • landscaping material supplies • rural supplies • timber yards • garden centres and plant nurseries, • vehicle hire premises, not including the premises at which vehicles are sold
2.	Retail trade	industrial or commercial food retailing
3.	Administrative and support services	“click and collect” services
4.	Public administration and safety	a member of the NSW Police Force, Fire and Rescue NSW, the NSW State Emergency Service, the NSW Rural Fire Service or the Ambulance Service of NSW or other emergency services worker
5.	Public administration and safety	the administration of justice, including in relation to the operation of courts and tribunals, correctional centres and community corrections
6.	Public administration and safety	a person employed or engaged by or on behalf of the NSW Government for the purposes of responding to the COVID-19 pandemic
7.	Public administration and safety	<ul style="list-style-type: none"> • a members of an Australian Parliament • electorate office staff
8.	Public administration and safety	Defence, national security and law enforcement

Item	Sector	Exempted affected person
9.	Public administration and safety	<ul style="list-style-type: none"> a person employed or engaged by Services Australia a person employed or engaged by Service NSW
10.	Health care and social assistance	a person who provides health services within the meaning of the Health Services Act 1997 (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner
11.	Health care and social assistance	a person employed or engaged by the Department of Communities and Justice to provide housing or homelessness services
12.	Health care and social assistance	a person employed or engaged to provide services to persons with disability or vulnerable persons
13.	Health care and social assistance	a person employed or engaged at a residential aged care facility
14.	Health care and social assistance	family violence and sexual assault services
15.	Health care and social assistance	veterinary services (including laboratory and diagnostic services and clinics)
16.	Health care and social assistance	animal welfare, care and accommodation services (excluding pet grooming unless there is an immediate animal welfare reason)
17.	Health care and social assistance	end of life services including funeral, crematorium and cemetery services, mortuaries and morgues, spiritual or religious services connected to end of life services
18.	Education	education and schooling
19.	Education	early childhood education and care
20.	Agriculture	biosecurity and food safety personnel undertaking critical duties
21.	Manufacturing	production and manufacturing of food, beverages, groceries and sanitary products
22.	Manufacturing	food and fibre processing and manufacturing
23.	Manufacturing	manufacture of food and beverage packaging
24.	Manufacturing	manufacture of coffins and caskets
25.	Manufacturing	manufacturing of medical equipment, consumables and personal protective equipment
26.	Manufacturing	manufacturing of telecommunications equipment and infrastructure
27.	Transport, postal and warehousing	seaport and airport operations

Item	Sector	Exempted affected person
28.	Transport, postal and warehousing	freight, logistics, postal, courier or delivery services (including food logistics, delivery and grocery fulfilment)
29.	Transport, postal and warehousing	export supply chain operators
30.	Transport, postal and warehousing	distribution of food, groceries and sanitary products for sale by supermarkets, grocery shops or other shops that predominantly sell food or drinks
31.	Transport, postal and warehousing	warehousing
32.	Transport, postal and warehousing	<ul style="list-style-type: none"> • road transport (passenger and freight) apart from taxi and rideshare services • rail transport (passenger and freight) – including rail yards • water transport (passenger and freight) • air transport (passenger and freight) • pipeline and other transport • transport support services • vehicle repairs and critical maintenance including disinfection • towing services • critical safety operational staff for transport
33.	Electricity, gas, water and waste services	<ul style="list-style-type: none"> • electricity services • operation of energy systems • gas services • liquid fuels • water supply, sewerage, sanitation and drainage services • waste resource recovery services (including collection, treatment and disposal services)
34.	Information media and telecommunications	<ul style="list-style-type: none"> • telecommunications services, internet service providers, web search portals and data processing services • data specialists and technicians • data storage
35.	Other services	essential services for the maintenance, safety and upkeep of public and recreational spaces

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* was amended on 20 July 2021 and expires at the beginning of 31 July 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A worker from the LGA of City of Fairfield, City of Liverpool or Canterbury-Bankstown who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act (PHA)*. Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can

assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An **affected person** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses for this Part include:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - no car-pooling is used to travel to or from a place for exercise or outdoor recreation, other than with a member of the person's household
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a funeral or memorial service or gathering afterwards, with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

A person who leaves their residence for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

The above does not apply to the homeless.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine facility (under the Air or Maritime Orders), or under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary

accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for work or childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

From 19 July 2021, a person is not authorised to visit a home in Greater Sydney to clean or carry out repairs, maintenance, alterations, additions or other trades except if:

- the work is urgent for the health, safety or security of the home or household members or because of an emergency
- the work is done in an unoccupied residence if it is necessary for its sale or lease

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A **reasonable excuse** to enter Greater Sydney includes:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm

- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

A person who enters Greater Sydney for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a funeral or memorial service or gatherings afterwards at which there are no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and

- an auction at which persons attend in person.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Closure of construction sites

From 19 July 2021, work cannot be done on construction sites in Greater Sydney.

Exemptions: the work is urgently required:

- for the safety and security of the site
- to deal with environmental risks
- to maintain and ensure the integrity of critical plant, equipment or assets, including partially completed works
- to receive deliveries that would otherwise deteriorate
- to maintain public utilities
- to ensure the safe operation of existing transport infrastructure
- for an emergency
- by NSW Health in response to the COVID-19 pandemic.

A person cannot enter or stay on a construction site except for the reasons above.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household.

Two or more police can travel in a vehicle together but they must wear a mask.

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW

Special provisions for affected persons

Prohibition on leaving affected area for work

An affected person must not leave their LGA for work unless exempt. Refer to Annexure B for exemptions.

An affected person is a person whose principal home or temporary accommodation is in the **City of Fairfield, City of Liverpool or Canterbury-Bankstown** LGAs.

Mandatory COVID-19 testing for workers from the City of Fairfield at premises in another LGA

A person who lives or has temporary accommodation in the City of Fairfield must not enter premises for work in a LGA outside the City of Fairfield unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier or premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 before 21 July 2021 and at least every 7 days afterwards. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A "Greater Sydney worker" is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: There is an exemption until 19 July 2021 if a person has taken reasonable steps to comply.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service

- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet)
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST AND WOLLONGONG

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**—
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to—
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	\$200
	96960 (Fail to comply with any other wear face covering directive) – individual	\$200
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96587 (Not wear fitted face covering in retail/business premises)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	

	<p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

Annexure B

Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

This list is being constantly updated please see <https://www.nsw.gov.au/covid-19/rules/authorised-workers> for the most up to date list.

Item	Sector	Exempted affected person
1.	Retail trade	<p>a person employed or engaged to work for a retail premises specified in clause 24(1A) of the Order:</p> <ul style="list-style-type: none">• supermarkets and neighbourhood shops• shops that predominantly sell food or drinks• chemists and pharmacies• kiosks• shops that predominately sell any of the following—<ul style="list-style-type: none">— office supplies,— pet supplies— (newspapers, magazines and stationery— alcohol— maternity and baby supplies— medical or pharmaceutical supplies• food and drink premises, but only as permitted under clause 24(1)(b) of the Order• cellar door premises, but only as permitted under clause 24(1)(e) of the Order• hardware and building supplies• landscaping material supplies• rural supplies• timber yards• garden centres and plant nurseries,• vehicle hire premises, not including the premises at which vehicles are sold• fuel retailing
2.	Retail trade	industrial or commercial food retailing
3.	Administrative and support services	“click and collect” services
4.	Public administration and safety	a member of the NSW Police Force, Fire and Rescue NSW, the NSW State Emergency Service, the NSW Rural Fire Service or the Ambulance Service of NSW or other emergency services worker
5.	Public administration and safety	the administration of justice, including in relation to the operation of courts and tribunals, correctional centres and community corrections
6.	Public administration and safety	a person employed or engaged by or on behalf of the NSW Government for the purposes of responding to the COVID-19 pandemic
7.	Public administration and safety	<ul style="list-style-type: none">• a members of an Australian Parliament• electorate office staff

Item	Sector	Exempted affected person
8.	Public administration and safety	Defence, national security and law enforcement
9.	Public administration and safety	<ul style="list-style-type: none"> a person employed or engaged by Services Australia a person employed or engaged by Service NSW
10.	Health care and social assistance	a person who provides health services within the meaning of the Health Services Act 1997 (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner
11.	Health care and social assistance	a person employed or engaged by the Department of Communities and Justice to provide housing or homelessness services
12.	Health care and social assistance	a person employed or engaged to provide services to persons with disability or vulnerable persons
13.	Health care and social assistance	a person employed or engaged at a residential aged care facility
14.	Health care and social assistance	family violence and sexual assault services
15.	Health care and social assistance	veterinary services (including laboratory and diagnostic services and clinics)
16.	Health care and social assistance	animal welfare, care and accommodation services (excluding pet grooming unless there is an immediate animal welfare reason)
17.	Health care and social assistance	end of life services including funeral, crematorium and cemetery services, mortuaries and morgues, spiritual or religious services connected to end of life services
18.	Education	education and schooling
19.	Education	early childhood education and care
20.	Agriculture	biosecurity and food safety personnel undertaking critical duties
21.	Manufacturing	production and manufacturing of food, beverages, groceries and sanitary products
22.	Manufacturing	food and fibre processing and manufacturing
23.	Manufacturing	manufacture of food and beverage packaging
24.	Manufacturing	manufacture of coffins and caskets
25.	Manufacturing	manufacturing of medical equipment, consumables and personal protective equipment
26.	Manufacturing	manufacturing of telecommunications equipment and infrastructure

Item	Sector	Exempted affected person
27.	Transport, postal and warehousing	seaport and airport operations
28.	Transport, postal and warehousing	freight, logistics, postal, courier or delivery services (including food logistics, delivery and grocery fulfilment)
29.	Transport, postal and warehousing	export supply chain operators
30.	Transport, postal and warehousing	distribution of food, groceries and sanitary products for sale by supermarkets, grocery shops or other shops that predominantly sell food or drinks
31.	Transport, postal and warehousing	warehousing
32.	Transport, postal and warehousing	<ul style="list-style-type: none"> • road transport (passenger and freight) apart from taxi and rideshare services • rail transport (passenger and freight) – including rail yards • water transport (passenger and freight) • air transport (passenger and freight) • pipeline and other transport • transport support services • vehicle repairs and critical maintenance including disinfection • towing services • critical safety operational staff for transport
33.	Electricity, gas, water and waste services	<ul style="list-style-type: none"> • electricity services • operation of energy systems • gas services • liquid fuels • water supply, sewerage, sanitation and drainage services • waste resource recovery services (including collection, treatment and disposal services)
34.	Information media and telecommunications	<ul style="list-style-type: none"> • telecommunications services, internet service providers, web search portals and data processing services • data specialists and technicians • data storage
35.	Other services	essential services for the maintenance, safety and upkeep of public and recreational spaces

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* was amended on 21 July 2021 and expires at the beginning of 31 July 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A worker from the LGA of City of Fairfield, City of Liverpool or Canterbury-Bankstown who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act (PHA)*. Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can

assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An **affected person** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses for this Part include:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - no car-pooling is used to travel to or from a place for exercise or outdoor recreation, other than with a member of the person's household
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a funeral or memorial service or gathering afterwards, with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

A person who leaves their residence for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

The above does not apply to the homeless.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine facility (under the Air or Maritime Orders), or under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary

accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for work or childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- from 20 July 2021, for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

From 19 July 2021, a person is not authorised to visit a home in Greater Sydney to clean or carry out repairs, maintenance, alterations, additions or other trades except if the work is:

- urgent for the health, safety or security of the home or household members or because of an emergency
- to install, maintain or repair an essential utility including water, gas, electricity, internet, television or a telecommunication service
- done in an unoccupied residence if it is necessary for its sale or lease

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A **reasonable excuse** to enter Greater Sydney includes:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services

- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

A person who enters Greater Sydney for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household

- a funeral or memorial service or gatherings afterwards at which there are no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs

- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Closure of construction sites

From 19 July 2021, work cannot be done on construction sites in Greater Sydney.

Exemptions: the work is urgently required:

- for the safety and security of the site
- to deal with environmental risks
- to maintain and ensure the integrity of critical plant, equipment or assets, including partially completed works
- to receive deliveries that would otherwise deteriorate
- to maintain public utilities
- to ensure the safe operation of existing transport infrastructure
- for an emergency

- by NSW Health in response to the COVID-19 pandemic.

A person cannot enter or stay on a construction site except for the reasons above.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household.

Two or more police can travel in a vehicle together but they must wear a mask.

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW

Special provisions for affected persons

Prohibition on leaving affected area for work

An affected person must not leave their LGA for work unless exempt. Refer to Annexure B for exemptions.

An affected person is a person whose principal home or temporary accommodation is in the **City of Fairfield, City of Liverpool or Canterbury-Bankstown** LGAs.

Mandatory COVID-19 testing for workers from the City of Fairfield at premises in another LGA

A person who lives or has temporary accommodation in the City of Fairfield must not enter premises for work in a LGA outside the City of Fairfield unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier or premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 before 21 July 2021 and at least every 7 days afterwards. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A "Greater Sydney worker" is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: There is an exemption until 19 July 2021 if a person has taken reasonable steps to comply.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet)
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married

- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST AND WOLLONGONG

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**—
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to—
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and

- keep a copy of the COVID-19 Safety Plan and make it available for inspection.

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	\$200
96960 (Fail to comply with any other wear face covering directive) – individual	\$200	
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96587 (Not wear fitted face covering in retail/business premises)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	

	<p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

Annexure B

Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

This list is being constantly updated please see <https://www.nsw.gov.au/covid-19/rules/authorised-workers> for the most up to date list.

Item	Sector	Exempted affected person
1.	Retail trade	<p>a person employed or engaged to work for a retail premises specified in clause 24(1A) of the Order:</p> <ul style="list-style-type: none">• supermarkets and neighbourhood shops• shops that predominantly sell food or drinks• chemists and pharmacies• kiosks• shops that predominately sell any of the following—<ul style="list-style-type: none">— office supplies,— pet supplies— (newspapers, magazines and stationery— alcohol— maternity and baby supplies— medical or pharmaceutical supplies• food and drink premises, but only as permitted under clause 24(1)(b) of the Order• cellar door premises, but only as permitted under clause 24(1)(e) of the Order• hardware and building supplies• landscaping material supplies• rural supplies• timber yards• garden centres and plant nurseries,• vehicle hire premises, not including the premises at which vehicles are sold• industrial or commercial food retailing• fuel retailing
2.	Administrative and support services	“click and collect” services
3.	Public administration and safety	a member of the NSW Police Force, Fire and Rescue NSW, the NSW State Emergency Service, the NSW Rural Fire Service or the Ambulance Service of NSW or other emergency services worker
4.	Public administration and safety	the administration of justice, including in relation to the operation of courts and tribunals, correctional centres and community corrections
5.	Public administration and safety	a person employed or engaged by or on behalf of the NSW Government for the purposes of responding to the COVID-19 pandemic
6.	Public administration and safety	<ul style="list-style-type: none">• a members of an Australian Parliament• electorate office staff
7.	Public administration and safety	Defence, national security and law enforcement

Item	Sector	Exempted affected person
8.	Public administration and safety	<ul style="list-style-type: none"> a person employed or engaged by Services Australia a person employed or engaged by Service NSW
9.	Health care and social assistance	a person who provides health services within the meaning of the Health Services Act 1997 (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner
10.	Health care and social assistance	a person employed or engaged by the Department of Communities and Justice to provide housing or homelessness services
11.	Health care and social assistance	a person employed or engaged to provide services to persons with disability or vulnerable persons
12.	Health care and social assistance	a person employed or engaged at a residential aged care facility
13.	Health care and social assistance	family violence and sexual assault services
14.	Health care and social assistance	veterinary services (including laboratory and diagnostic services and clinics)
15.	Health care and social assistance	animal welfare, care and accommodation services (excluding pet grooming unless there is an immediate animal welfare reason)
16.	Health care and social assistance	end of life services including funeral, crematorium and cemetery services, mortuaries and morgues, spiritual or religious services connected to end of life services
17.	Education	education and schooling
18.	Education	early childhood education and care
19.	Agriculture	biosecurity and food safety personnel undertaking critical duties
20.	Manufacturing	production and manufacturing of food, beverages, groceries and sanitary products
21.	Manufacturing	food and fibre processing and manufacturing
22.	Manufacturing	manufacture of food and beverage packaging
23.	Manufacturing	manufacture of coffins and caskets
24.	Manufacturing	manufacturing of medical equipment, consumables and personal protective equipment
25.	Manufacturing	manufacturing of telecommunications equipment and infrastructure
26.	Transport, postal and warehousing	seaport and airport operations

Item	Sector	Exempted affected person
27.	Transport, postal and warehousing	freight, logistics, postal, courier or delivery services (including food logistics, delivery and grocery fulfilment)
28.	Transport, postal and warehousing	export supply chain operators
29.	Transport, postal and warehousing	distribution of food, groceries and sanitary products for sale by supermarkets, grocery shops or other shops that predominantly sell food or drinks
30.	Transport, postal and warehousing	warehousing
31.	Transport, postal and warehousing	<ul style="list-style-type: none"> • road transport (passenger and freight) apart from taxi and rideshare services • rail transport (passenger and freight) – including rail yards • water transport (passenger and freight) • air transport (passenger and freight) • pipeline and other transport • transport support services • vehicle repairs and critical maintenance including disinfection • towing services • critical safety operational staff for transport
32.	Electricity, gas, water and waste services	<ul style="list-style-type: none"> • electricity services • operation of energy systems • gas services • liquid fuels • water supply, sewerage, sanitation and drainage services • waste resource recovery services (including collection, treatment and disposal services)
33.	Information media and telecommunications	<ul style="list-style-type: none"> • telecommunications services, internet service providers, web search portals and data processing services • data specialists and technicians • data storage
34.	Other services	essential services for the maintenance, safety and upkeep of public and recreational spaces

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* was amended on 22 July 2021 and expires at the beginning of 31 July 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A worker from the LGA of City of Fairfield, City of Liverpool or Canterbury-Bankstown who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act (PHA)*. Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can

assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An **affected person** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - no car-pooling is used to travel to or from a place for exercise or outdoor recreation, other than with a member of the person's household
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a funeral or memorial service or gathering afterwards, with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

A person who leaves their residence for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

The above does not apply to the homeless.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine facility (under the Air or Maritime Orders), or under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary

accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for work or childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- from 20 July 2021, for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

From 19 July 2021, a person is not authorised to visit a home in Greater Sydney to clean or carry out repairs, maintenance, alterations, additions or other trades except if:

- the work is urgent for the health, safety or security of the home or household members or because of an emergency
- the work is done in an unoccupied residence if it is necessary for its sale or lease

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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

- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

A person who enters Greater Sydney for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a funeral or memorial service or gatherings afterwards at which there are no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and

- an auction at which persons attend in person.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Closure of construction sites

From 19 July 2021, work cannot be done on construction sites in Greater Sydney.

Exemptions: the work is urgently required:

- for the safety and security of the site
- to deal with environmental risks
- to maintain and ensure the integrity of critical plant, equipment or assets, including partially completed works
- to receive deliveries that would otherwise deteriorate
- to maintain public utilities
- to ensure the safe operation of existing transport infrastructure
- for an emergency
- by NSW Health in response to the COVID-19 pandemic.

A person cannot enter or stay on a construction site except for the reasons above.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Section 36(2)(b) of LEPRa relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW

Special provisions for affected persons

Prohibition on leaving affected area for work

An affected person must not leave their LGA for work unless exempt. Refer to Annexure B for exemptions.

An affected person is a person whose principal home or temporary accommodation is in the **City of Fairfield, City of Liverpool or Canterbury-Bankstown** LGAs.

Mandatory COVID-19 testing for workers from the City of Fairfield at premises in another LGA

A person who lives or has temporary accommodation in the City of Fairfield must not enter premises for work in an LGA outside the City of Fairfield unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier or premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 before 21 July 2021 and at least every 7 days afterwards. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for health and aged care workers from the Canterbury-Bankstown LGA working at premises in another LGA

From 23 July 2021, a person who lives or has temporary accommodation in the Canterbury Bankstown LGA, and who:

- works in a residential aged care facility, or
- provides health services within the meaning of the *Health Services Act 1997* (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner (each a "health services provider"), or
- provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)

must not enter premises for work outside of the Canterbury-Bankstown LGA unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier or premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A Greater Sydney worker is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and

- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: There is an exemption until 19 July 2021 if a person has taken reasonable steps to comply.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit

an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.

A **nightclub** means premises that are 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.

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (*safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet*)
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable (from 22 July 2021, a person must carry:
 - a medical certificate or other written evidence signed by a registered medical practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the

person has the illness, condition or disability that makes wearing a face covering unsuitable; and

➤ evidence of the person's name and address.

The medical certificate/evidence and identification must be produced to a police officer by the person for inspection on request. A copy of the medical certificate/evidence must be given to a police officer by the person on request.)

- from 19 July 2021, staff of a school (other than a school in Greater Sydney (including Blue Mountains, Shellharbour, Central Coast and Wollongong) and LGAs of Orange, Blayney and Cabonne) but only while at a school.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST AND WOLLONGONG

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**—
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to—
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney only)	\$200
	97090 (Fail to carry face covering in Greater Sydney) - individual	\$200
	96960 (Fail to comply with any other wear face covering directive) – individual	\$200
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1,000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order not listed)	\$1,000
	97091 Employer fail to require employee to work from home (Greater Sydney) - Individual	\$2,000
	97092 Employer not allow employee to work from home (NOT Greater Sydney) - Individual	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	895638 Fail to comply with noticed direction (other than a face covering breach) – corporation	\$5,000
	897091 Employer fail to require employee to work from home (Greater Sydney) - Corporation	\$10,000
	897092 Employer not allow employee to work from home (NOT Greater Sydney) - Corporation	\$5,000

COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	<p>96587 (Not wear fitted face covering in retail/business premises)</p> <p>96588 (Not wear fitted face covering in licensed gaming area)</p> <p>96589 (Not wear fitted face covering in entertainment facility)</p> <p>96590 (Not wear fitted face covering in place of public worship etc)</p> <p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)</p> <p>97090 (Fail to carry face covering in Greater Sydney)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney) – Individual or corporation</p> <p>97092 Employer not allow employee to work from home (NOT Greater Sydney) – Individual or corporation</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

Annexure B

Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

This list is being constantly updated please see <https://www.nsw.gov.au/covid-19/rules/authorised-workers> for the most up to date list.

Item	Sector	Exempted affected person
1.	Retail trade	<p>a person employed or engaged to work for a retail premises specified in clause 24(1A) of the Order:</p> <ul style="list-style-type: none">• supermarkets and neighbourhood shops• shops that predominantly sell food or drinks• chemists and pharmacies• kiosks• shops that predominately sell any of the following—<ul style="list-style-type: none">— office supplies,— pet supplies— (newspapers, magazines and stationery— alcohol— maternity and baby supplies— medical or pharmaceutical supplies• food and drink premises, but only as permitted under clause 24(1)(b) of the Order• cellar door premises, but only as permitted under clause 24(1)(e) of the Order• hardware and building supplies• landscaping material supplies• rural supplies• timber yards• garden centres and plant nurseries,• vehicle hire premises, not including the premises at which vehicles are sold• industrial or commercial food retailing• fuel retailing
2.	Administrative and support services	“click and collect” services
3.	Public administration and safety	a member of the NSW Police Force, Fire and Rescue NSW, the NSW State Emergency Service, the NSW Rural Fire Service or the Ambulance Service of NSW or other emergency services worker
4.	Public administration and safety	fire protection and safety
5.	Public administration and safety	the administration of justice, including in relation to the operation of courts and tribunals, correctional centres and community corrections
6.	Public administration and safety	a person employed or engaged by or on behalf of the NSW Government for the purposes of responding to the COVID-19 pandemic
7.	Public administration and safety	<ul style="list-style-type: none">• a members of an Australian Parliament

Item	Sector	Exempted affected person
		<ul style="list-style-type: none"> electorate office staff
8.	Public administration and safety	Defence, national security and law enforcement
9.	Public administration and safety	<ul style="list-style-type: none"> a person employed or engaged by Services Australia a person employed or engaged by Service NSW
10.	Public administration and safety	the conduct of local government, State or Commonwealth elections
11.	Health care and social assistance	a person who provides health services within the meaning of the Health Services Act 1997 (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner
12.	Health care and social assistance	a person employed or engaged by the Department of Communities and Justice to provide housing or homelessness services
13.	Health care and social assistance	a community housing provider
14.	Health care and social assistance	a person employed or engaged to provide services to persons with disability or vulnerable persons
15.	Health care and social assistance	a person employed or engaged at a residential aged care facility
16.	Health care and social assistance	family violence and sexual assault services
17.	Health care and social assistance	veterinary services (including laboratory and diagnostic services and clinics)
18.	Health care and social assistance	animal welfare, care and accommodation services (excluding pet grooming unless there is an immediate animal welfare reason)
19.	Health care and social assistance	end of life services including funeral, crematorium and cemetery services, mortuaries and morgues, spiritual or religious services connected to end of life services
20.	Education	education and schooling
21.	Education	early childhood education and care
22.	Agriculture	biosecurity and food safety personnel undertaking critical duties
23.	Manufacturing	production and manufacturing of food, beverages, groceries and sanitary products
24.	Manufacturing	food and fibre processing and manufacturing

Item	Sector	Exempted affected person
25.	Manufacturing	manufacture of food and beverage packaging
26.	Manufacturing	manufacture of coffins and caskets
27.	Manufacturing	manufacturing of medical equipment, consumables and personal protective equipment
28.	Manufacturing	manufacturing of telecommunications equipment and infrastructure
29.	Transport, postal and warehousing	seaport and airport operations
30.	Transport, postal and warehousing	freight, logistics, postal, courier or delivery services (including food logistics, delivery and grocery fulfilment) but not home and office removals
31.	Transport, postal and warehousing	export supply chain operators
32.	Transport, postal and warehousing	distribution of food, groceries and sanitary products for sale by supermarkets, grocery shops or other shops that predominantly sell food or drinks
33.	Transport, postal and warehousing	warehousing
34.	Transport, postal and warehousing	<ul style="list-style-type: none"> • road transport (passenger and freight) apart from taxi and rideshare services • rail transport (passenger and freight) – including rail yards • water transport (passenger and freight) • air transport (passenger and freight) • pipeline and other transport • transport support services • vehicle repairs and critical maintenance including disinfection • towing services • critical safety operational staff for transport
35.	Electricity, gas, water and waste services	<ul style="list-style-type: none"> • electricity services • operation of energy systems • gas services • liquid fuels • water supply, sewerage, sanitation and drainage services • waste resource recovery services (including collection, treatment and disposal services)
36.	Information media and telecommunications	<ul style="list-style-type: none"> • telecommunications services, internet service providers, web search portals and data processing services • data specialists and technicians • data storage • journalism and media services for news and other critical public communications purposes
37.	Other services	essential services for the maintenance, safety and upkeep of public and recreational spaces

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* was amended on 22 July 2021 and expires at the beginning of 31 July 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A worker from the LGA of City of Fairfield who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act (PHA)*. Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can

assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An ***affected person*** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - no car-pooling is used to travel to or from a place for exercise or outdoor recreation, other than with a member of the person's household
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a funeral or memorial service or gathering afterwards, with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

A person who leaves their residence for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

The above does not apply to the homeless.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine facility (under the Air or Maritime Orders), or under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary

accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for work or childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- from 20 July 2021, for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

From 19 July 2021, a person is not authorised to visit a home in Greater Sydney to clean or carry out repairs, maintenance, alterations, additions or other trades except if:

- the work is urgent for the health, safety or security of the home or household members or because of an emergency
- the work is done in an unoccupied residence if it is necessary for its sale or lease

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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

- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

A person who enters Greater Sydney for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a funeral or memorial service or gatherings afterwards at which there are no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and

- an auction at which persons attend in person.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Closure of construction sites

From 19 July 2021, work cannot be done on construction sites in Greater Sydney.

Exemptions: the work is urgently required:

- for the safety and security of the site
- to deal with environmental risks
- to maintain and ensure the integrity of critical plant, equipment or assets, including partially completed works
- to receive deliveries that would otherwise deteriorate
- to maintain public utilities
- to ensure the safe operation of existing transport infrastructure
- for an emergency
- by NSW Health in response to the COVID-19 pandemic.

A person cannot enter or stay on a construction site except for the reasons above.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Section 36(2)(b) of LEPRa relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW

Special provisions for affected persons

Prohibition on leaving affected area for work

An affected person must not leave their LGA for work unless exempt. Refer to Annexure B for exemptions.

An affected person is a person whose principal home or temporary accommodation is in the LGA of **City of Fairfield, City of Liverpool or Canterbury-Bankstown**, and from 24 July 2021 the City of Blacktown and Cumberland.

Mandatory COVID-19 testing for workers from the City of Fairfield at premises in another LGA

A person who lives or has temporary accommodation in the City of Fairfield must not enter premises for work in an LGA outside the City of Fairfield unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier or premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 before 21 July 2021 and at least every 7 days afterwards. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for health and aged care workers from the Canterbury-Bankstown LGA working at premises in another LGA

From 23 July 2021, a person who lives or has temporary accommodation in the Canterbury Bankstown LGA, and who:

- works in a residential aged care facility, or
- provides health services within the meaning of the *Health Services Act 1997* (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner (each a "health services provider"), or
- provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)

must not enter premises for work outside of the Canterbury-Bankstown LGA unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier or premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A Greater Sydney worker is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and

- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: There is an exemption until 19 July 2021 if a person has taken reasonable steps to comply.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit

an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.

A **nightclub** means premises that are 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.

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (*safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet*)
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable (from 22 July 2021, a person must carry:
 - a medical certificate or other written evidence signed by a registered medical practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the

person has the illness, condition or disability that makes wearing a face covering unsuitable; and

➤ evidence of the person's name and address.

The medical certificate/evidence and identification must be produced to a police officer by the person for inspection on request. A copy of the medical certificate/evidence must be given to a police officer by the person on request.)

- from 19 July 2021, staff of a school (other than a school in Greater Sydney (including Blue Mountains, Shellharbour, Central Coast and Wollongong) and LGAs of Orange, Blayney and Cabonne) but only while at a school.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST AND WOLLONGONG

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**—
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to—
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney only)	\$200
	97090 (Fail to carry face covering in Greater Sydney) - individual	\$200
	96960 (Fail to comply with any other wear face covering directive) – individual	\$200
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1,000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order not listed)	\$1,000
	97091 Employer fail to require employee to work from home (Greater Sydney) - Individual	\$2,000
	97092 Employer not allow employee to work from home (NOT Greater Sydney) - Individual	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	895638 Fail to comply with noticed direction (other than a face covering breach) – corporation	\$5,000
	897091 Employer fail to require employee to work from home (Greater Sydney) - Corporation	\$10,000
	897092 Employer not allow employee to work from home (NOT Greater Sydney) - Corporation	\$5,000

COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	<p>96587 (Not wear fitted face covering in retail/business premises)</p> <p>96588 (Not wear fitted face covering in licensed gaming area)</p> <p>96589 (Not wear fitted face covering in entertainment facility)</p> <p>96590 (Not wear fitted face covering in place of public worship etc)</p> <p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)</p> <p>97090 (Fail to carry face covering in Greater Sydney)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney) – Individual or corporation</p> <p>97092 Employer not allow employee to work from home (NOT Greater Sydney) – Individual or corporation</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

Annexure B

Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

This list is being constantly updated please see <https://www.nsw.gov.au/covid-19/rules/authorised-workers> for the most up to date list.

Item	Sector	Exempted affected person
1.	Retail trade	<p>a person employed or engaged to work for a retail premises specified in clause 24(1A) of the Order:</p> <ul style="list-style-type: none">• supermarkets and neighbourhood shops• shops that predominantly sell food or drinks• chemists and pharmacies• kiosks• shops that predominately sell any of the following—<ul style="list-style-type: none">— office supplies,— pet supplies— (newspapers, magazines and stationery— alcohol— maternity and baby supplies— medical or pharmaceutical supplies• food and drink premises, but only as permitted under clause 24(1)(b) of the Order• cellar door premises, but only as permitted under clause 24(1)(e) of the Order• hardware and building supplies• landscaping material supplies• rural supplies• timber yards• garden centres and plant nurseries,• vehicle hire premises, not including the premises at which vehicles are sold• industrial or commercial food retailing• fuel retailing
2.	Administrative and support services	“click and collect” services
3.	Public administration and safety	a member of the NSW Police Force, Fire and Rescue NSW, the NSW State Emergency Service, the NSW Rural Fire Service or the Ambulance Service of NSW or other emergency services worker
4.	Public administration and safety	fire protection and safety
5.	Public administration and safety	the administration of justice, including in relation to the operation of courts and tribunals, correctional centres and community corrections
6.	Public administration and safety	a person employed or engaged by or on behalf of the NSW Government for the purposes of responding to the COVID-19 pandemic
7.	Public administration and safety	<ul style="list-style-type: none">• a members of an Australian Parliament

Item	Sector	Exempted affected person
		<ul style="list-style-type: none"> electorate office staff
8.	Public administration and safety	Defence, national security and law enforcement
9.	Public administration and safety	<ul style="list-style-type: none"> a person employed or engaged by Services Australia a person employed or engaged by Service NSW
10.	Public administration and safety	the conduct of local government, State or Commonwealth elections
11.	Health care and social assistance	a person who provides health services within the meaning of the Health Services Act 1997 (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner
12.	Health care and social assistance	a person employed or engaged by the Department of Communities and Justice to provide housing or homelessness services
13.	Health care and social assistance	a community housing provider
14.	Health care and social assistance	a person employed or engaged to provide services to persons with disability or vulnerable persons
15.	Health care and social assistance	a person employed or engaged at a residential aged care facility
16.	Health care and social assistance	family violence and sexual assault services
17.	Health care and social assistance	veterinary services (including laboratory and diagnostic services and clinics)
18.	Health care and social assistance	animal welfare, care and accommodation services (excluding pet grooming unless there is an immediate animal welfare reason)
19.	Health care and social assistance	end of life services including funeral, crematorium and cemetery services, mortuaries and morgues, spiritual or religious services connected to end of life services
20.	Education	education and schooling
21.	Education	early childhood education and care
22.	Agriculture	biosecurity and food safety personnel undertaking critical duties
23.	Manufacturing	production and manufacturing of food, beverages, groceries and sanitary products
24.	Manufacturing	food and fibre processing and manufacturing

Item	Sector	Exempted affected person
25.	Manufacturing	manufacture of food and beverage packaging
26.	Manufacturing	manufacture of coffins and caskets
27.	Manufacturing	manufacturing of medical equipment, consumables and personal protective equipment
28.	Manufacturing	manufacturing of telecommunications equipment and infrastructure
29.	Transport, postal and warehousing	seaport and airport operations
30.	Transport, postal and warehousing	freight, logistics, postal, courier or delivery services (including food logistics, delivery and grocery fulfilment) but not home and office removals
31.	Transport, postal and warehousing	export supply chain operators
32.	Transport, postal and warehousing	distribution of food, groceries and sanitary products for sale by supermarkets, grocery shops or other shops that predominantly sell food or drinks
33.	Transport, postal and warehousing	warehousing
34.	Transport, postal and warehousing	<ul style="list-style-type: none"> • road transport (passenger and freight) apart from taxi and rideshare services • rail transport (passenger and freight) – including rail yards • water transport (passenger and freight) • air transport (passenger and freight) • pipeline and other transport • transport support services • vehicle repairs and critical maintenance including disinfection • towing services • critical safety operational staff for transport
35.	Electricity, gas, water and waste services	<ul style="list-style-type: none"> • electricity services • operation of energy systems • gas services • liquid fuels • water supply, sewerage, sanitation and drainage services • waste resource recovery services (including collection, treatment and disposal services)
36.	Information media and telecommunications	<ul style="list-style-type: none"> • telecommunications services, internet service providers, web search portals and data processing services • data specialists and technicians • data storage • journalism and media services for news and other critical public communications purposes
37.	Other services	essential services for the maintenance, safety and upkeep of public and recreational spaces

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* was amended on 27 July 2021 and expires at the beginning of 31 July 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A worker from the LGA of City of Fairfield who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act (PHA)*. Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can

assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An ***affected person*** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - no car-pooling is used to travel to or from a place for exercise or outdoor recreation, other than with a member of the person's household
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

The above does not apply to the homeless.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine facility (under the Air or Maritime Orders), or under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary

accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for work or childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- from 20 July 2021, for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

From 19 July 2021, a person is not authorised to visit a home in Greater Sydney to clean or carry out repairs, maintenance, alterations, additions or other trades except if:

- the work is urgent for the health, safety or security of the home or household members or because of an emergency
- the work is done in an unoccupied residence if it is necessary for its sale or lease

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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

- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages

- (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
- (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Closure of construction sites

From 19 July 2021, work cannot be done on construction sites in Greater Sydney.

Exemptions: the work is urgently required:

- for the safety and security of the site
- to deal with environmental risks
- to maintain and ensure the integrity of critical plant, equipment or assets, including partially completed works
- to receive deliveries that would otherwise deteriorate
- to maintain public utilities
- to ensure the safe operation of existing transport infrastructure
- for an emergency
- by NSW Health in response to the COVID-19 pandemic.

A person cannot enter or stay on a construction site except for the reasons above.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW

Special provisions for affected persons

Prohibition on leaving affected area for work

An affected person must not leave their LGA for work unless exempt. Refer to Annexure B for exemptions.

An affected person is a person whose principal home or temporary accommodation is in the LGA of **City of Fairfield, City of Liverpool or Canterbury-Bankstown**, and from 24 July 2021 the City of Blacktown and Cumberland.

Mandatory COVID-19 testing for workers from the City of Fairfield at premises in another LGA

A person who lives or has temporary accommodation in the City of Fairfield must not enter premises for work in an LGA outside the City of Fairfield unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier or premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 before 21 July 2021 and at least every 7 days afterwards. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for health and aged care workers from the Canterbury-Bankstown LGA working at premises in another LGA

From 23 July 2021, a person who lives or has temporary accommodation in the Canterbury Bankstown LGA, and who:

- works in a residential aged care facility, or
- provides health services within the meaning of the *Health Services Act 1997* (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner (each a "health services provider"), or
- provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)

must not enter premises for work outside of the Canterbury-Bankstown LGA unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier or premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A Greater Sydney worker is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and

- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: There is an exemption until 19 July 2021 if a person has taken reasonable steps to comply.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit

an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.

A **nightclub** means premises that are 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.

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (*safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet*)
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable (from 22 July 2021, a person must carry:
 - a medical certificate or other written evidence signed by a registered medical practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the

person has the illness, condition or disability that makes wearing a face covering unsuitable; and

➤ evidence of the person's name and address.

The medical certificate/evidence and identification must be produced to a police officer by the person for inspection on request. A copy of the medical certificate/evidence must be given to a police officer by the person on request.)

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is working at a school that is not in Greater Sydney or an affected region
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST AND WOLLONGONG

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**—
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to—
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney only)	\$200
	97090 (Fail to carry face covering in Greater Sydney) - individual	\$200
	96960 (Fail to comply with any other wear face covering directive) – individual	\$200
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1,000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order not listed)	\$1,000
	97091 Employer fail to require employee to work from home (Greater Sydney) - Individual	\$2,000
	97092 Employer not allow employee to work from home (NOT Greater Sydney) - Individual	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	895638 Fail to comply with noticed direction (other than a face covering breach) – corporation	\$5,000
	897091 Employer fail to require employee to work from home (Greater Sydney) - Corporation	\$10,000
	897092 Employer not allow employee to work from home (NOT Greater Sydney) - Corporation	\$5,000

COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	<p>96587 (Not wear fitted face covering in retail/business premises)</p> <p>96588 (Not wear fitted face covering in licensed gaming area)</p> <p>96589 (Not wear fitted face covering in entertainment facility)</p> <p>96590 (Not wear fitted face covering in place of public worship etc)</p> <p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)</p> <p>97090 (Fail to carry face covering in Greater Sydney)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney) – Individual or corporation</p> <p>97092 Employer not allow employee to work from home (NOT Greater Sydney) – Individual or corporation</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

Annexure B

Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

This list is being constantly updated please see <https://www.nsw.gov.au/covid-19/rules/authorised-workers> for the most up to date list.

Item	Sector	Exempted affected person
1.	Retail trade	<p>a person employed or engaged to work for a retail premises specified in clause 24(1A) of the Order:</p> <ul style="list-style-type: none">• supermarkets and neighbourhood shops• shops that predominantly sell food or drinks• chemists and pharmacies• kiosks• shops that predominately sell any of the following—<ul style="list-style-type: none">— office supplies,— pet supplies— (newspapers, magazines and stationery— alcohol— maternity and baby supplies— medical or pharmaceutical supplies• food and drink premises, but only as permitted under clause 24(1)(b) of the Order• cellar door premises, but only as permitted under clause 24(1)(e) of the Order• hardware and building supplies• landscaping material supplies• rural supplies• timber yards• garden centres and plant nurseries,• vehicle hire premises, not including the premises at which vehicles are sold• industrial or commercial food retailing• fuel retailing
2.	Administrative and support services	“click and collect” services
3.	Public administration and safety	a member of the NSW Police Force, Fire and Rescue NSW, the NSW State Emergency Service, the NSW Rural Fire Service or the Ambulance Service of NSW or other emergency services worker
4.	Public administration and safety	fire protection and safety
5.	Public administration and safety	the administration of justice, including in relation to the operation of courts and tribunals, correctional centres and community corrections
6.	Public administration and safety	a person employed or engaged by or on behalf of the NSW Government for the purposes of responding to the COVID-19 pandemic
7.	Public administration and safety	<ul style="list-style-type: none">• a members of an Australian Parliament

Item	Sector	Exempted affected person
		<ul style="list-style-type: none"> electorate office staff
8.	Public administration and safety	Defence, national security and law enforcement
9.	Public administration and safety	<ul style="list-style-type: none"> a person employed or engaged by Services Australia a person employed or engaged by Service NSW
10.	Public administration and safety	the conduct of local government, State or Commonwealth elections
11.	Health care and social assistance	a person who provides health services within the meaning of the Health Services Act 1997 (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner
12.	Health care and social assistance	a person employed or engaged by the Department of Communities and Justice to provide housing or homelessness services
13.	Health care and social assistance	a community housing provider
14.	Health care and social assistance	a person employed or engaged to provide services to persons with disability or vulnerable persons
15.	Health care and social assistance	a person employed or engaged at a residential aged care facility
16.	Health care and social assistance	family violence and sexual assault services
17.	Health care and social assistance	veterinary services (including laboratory and diagnostic services and clinics)
18.	Health care and social assistance	animal welfare, care and accommodation services (excluding pet grooming unless there is an immediate animal welfare reason)
19.	Health care and social assistance	end of life services including funeral, crematorium and cemetery services, mortuaries and morgues, spiritual or religious services connected to end of life services
20.	Education	education and schooling
21.	Education	early childhood education and care
22.	Agriculture	biosecurity and food safety personnel undertaking critical duties
23.	Manufacturing	production and manufacturing of food, beverages, groceries and sanitary products
24.	Manufacturing	food and fibre processing and manufacturing

Item	Sector	Exempted affected person
25.	Manufacturing	manufacture of food and beverage packaging
26.	Manufacturing	manufacture of coffins and caskets
27.	Manufacturing	manufacturing of medical equipment, consumables and personal protective equipment
28.	Manufacturing	manufacturing of telecommunications equipment and infrastructure
29.	Transport, postal and warehousing	seaport and airport operations
30.	Transport, postal and warehousing	freight, logistics, postal, courier or delivery services (including food logistics, delivery and grocery fulfilment) but not home and office removals
31.	Transport, postal and warehousing	export supply chain operators
32.	Transport, postal and warehousing	distribution of food, groceries and sanitary products for sale by supermarkets, grocery shops or other shops that predominantly sell food or drinks
33.	Transport, postal and warehousing	warehousing
34.	Transport, postal and warehousing	<ul style="list-style-type: none"> • road transport (passenger and freight) apart from taxi and rideshare services • rail transport (passenger and freight) – including rail yards • water transport (passenger and freight) • air transport (passenger and freight) • pipeline and other transport • transport support services • vehicle repairs and critical maintenance including disinfection • towing services • critical safety operational staff for transport
35.	Electricity, gas, water and waste services	<ul style="list-style-type: none"> • electricity services • operation of energy systems • gas services • liquid fuels • water supply, sewerage, sanitation and drainage services • waste resource recovery services (including collection, treatment and disposal services)
36.	Information media and telecommunications	<ul style="list-style-type: none"> • telecommunications services, internet service providers, web search portals and data processing services • data specialists and technicians • data storage • journalism and media services for news and other critical public communications purposes
37.	Other services	essential services for the maintenance, safety and upkeep of public and recreational spaces

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* was amended on 29 July 2021 and expires at the beginning of 31 July 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A worker from the LGA of City of Fairfield who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act (PHA)*. Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can

assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An **affected person** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. From 29 July 2021, unless they are not reasonably available, the food, goods and services must be obtained within the LGA in which the person resides or the person's temporary accommodation is located or no further than 10 kms from the person's place of residence or temporary accommodation. **Note:** only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - no car-pooling is used to travel to or from a place for exercise or outdoor recreation, other than with a member of the person's household

- for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

The above does not apply to the homeless.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine facility (under the Air or Maritime Orders), or under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for work or childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- from 20 July 2021, for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

From 19 July 2021, a person is not authorised to visit a home in Greater Sydney to clean or carry out repairs, maintenance, alterations, additions or other trades except if:

- the work is urgent for the health, safety or security of the home or household members or because of an emergency
- the work is done in an unoccupied residence if it is necessary for its sale or lease

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings

- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages

- (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
- (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Closure of construction sites

From 19 July 2021, work cannot be done on construction sites in Greater Sydney.

Exemptions: the work is urgently required:

- for the safety and security of the site
- to deal with environmental risks
- to maintain and ensure the integrity of critical plant, equipment or assets, including partially completed works
- to receive deliveries that would otherwise deteriorate
- to maintain public utilities
- to ensure the safe operation of existing transport infrastructure
- for an emergency
- by NSW Health in response to the COVID-19 pandemic.

Despite the above, from 29 July 2021 work required to prepare for the commencement of work on a construction site may be carried out in Greater Sydney (excluding the LGAs of City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta) including:

- checking or maintaining installations or equipment
- cleaning, waste removal or waste management
- stocktaking or restocking
- delivery of materials or equipment

- servicing or installation of amenities
- relocation on the construction site of plant or equipment
- issuing permits or certificates
- establishing arrangements or procedures to help protect persons from COVID-19
- erecting fencing or hoarding
- inspections, including for:
 - (i) technical reasons, or
 - (ii) safety, including work health and safety, or
 - (iii) for valuations or other financial reasons,
- removing water
- connecting power, fuel or services
- safety work, including work related to:
 - (i) fire safety, or
 - (ii) electrical safety
- surveying or marking out
- training required to be carried out on the construction site

A person cannot enter or stay on a construction site except for the reasons above.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

From 31 July 2021, a construction site will be required to have a COVID-19 Safety Plan, with the completed checklist, “*Construction sites in Greater Sydney*”.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in

death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW

Special provisions for affected persons

Prohibition on leaving affected area for work

An affected worker must not leave their LGA for work unless exempt. Refer to Annexure B for list of authorised workers that are exempt.

An affected worker is a person whose principal home or temporary accommodation is in the LGA of **City of Fairfield, City of Liverpool, Canterbury-Bankstown, City of Blacktown, Cumberland** and from 29 July 2021, the LGA of **City of Campbelltown, Georges River and City of Parramatta**.

Mandatory COVID-19 testing for workers from the City of Fairfield at premises in another LGA

A person who lives or has temporary accommodation in the City of Fairfield must not enter premises for work in an LGA outside the City of Fairfield unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier or premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 at least every 7 days. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for health and aged care workers from the Canterbury-Bankstown LGA working at premises in another LGA

From 23 July 2021, a person who lives or has temporary accommodation in the Canterbury Bankstown LGA, and who:

- works in a residential aged care facility, or
- provides health services within the meaning of the *Health Services Act 1997* (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner (each a "health services provider"), or
- provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)

must not enter premises for work outside of the Canterbury-Bankstown LGA unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier or premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A Greater Sydney worker is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: There is an exemption until 19 July 2021 if a person has taken reasonable steps to comply.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any

one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holiday homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm

rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet)
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front

- working in an outdoor area in Greater Sydney

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable (from 22 July 2021, a person must carry:
 - a medical certificate or other written evidence signed by a registered medical practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

The medical certificate/evidence and identification must be produced to a police officer by the person for inspection on request. A copy of the medical certificate/evidence must be given to a police officer by the person on request.)

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is working at a school that is not in Greater Sydney or an affected region
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST AND WOLLONGONG

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**—
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to—
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney only)	\$200
	97090 (Fail to carry face covering in Greater Sydney) - individual	\$200
	96960 (Fail to comply with any other wear face covering directive) – individual	\$200
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1,000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order not listed)	\$1,000
	97091 Employer fail to require employee to work from home (Greater Sydney) - Individual	\$2,000
	97092 Employer not allow employee to work from home (NOT Greater Sydney) - Individual	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	895638 Fail to comply with noticed direction (other than a face covering breach) – corporation	\$5,000
	897091 Employer fail to require employee to work from home (Greater Sydney) - Corporation	\$10,000
	897092 Employer not allow employee to work from home (NOT Greater Sydney) - Corporation	\$5,000

COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	<p>96587 (Not wear fitted face covering in retail/business premises)</p> <p>96588 (Not wear fitted face covering in licensed gaming area)</p> <p>96589 (Not wear fitted face covering in entertainment facility)</p> <p>96590 (Not wear fitted face covering in place of public worship etc)</p> <p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)</p> <p>97090 (Fail to carry face covering in Greater Sydney)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney) – Individual or corporation</p> <p>97092 Employer not allow employee to work from home (NOT Greater Sydney) – Individual or corporation</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 St 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

Annexure B

Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

This list is being constantly updated please see <https://www.nsw.gov.au/covid-19/rules/authorised-workers> for the most up to date list.

Item	Sector	Exempted affected person
1.	Retail trade	<p>a person employed or engaged to work for a retail premises specified in clause 24(1A) of the Order:</p> <ul style="list-style-type: none">• supermarkets and neighbourhood shops• shops that predominantly sell food or drinks• chemists and pharmacies• kiosks• shops that predominately sell any of the following—<ul style="list-style-type: none">— office supplies,— pet supplies— (newspapers, magazines and stationery— alcohol— maternity and baby supplies— medical or pharmaceutical supplies• food and drink premises, but only as permitted under clause 24(1)(b) of the Order• cellar door premises, but only as permitted under clause 24(1)(e) of the Order• hardware and building supplies• landscaping material supplies• rural supplies• timber yards• garden centres and plant nurseries,• vehicle hire premises, not including the premises at which vehicles are sold• industrial or commercial food retailing• fuel retailing
2.	Administrative and support services	“click and collect” services
3.	Public administration and safety	a member of the NSW Police Force, Fire and Rescue NSW, the NSW State Emergency Service, the NSW Rural Fire Service or the Ambulance Service of NSW or other emergency services worker
4.	Public administration and safety	fire protection and safety
5.	Public administration and safety	the administration of justice, including in relation to the operation of courts and tribunals, correctional centres and community corrections
6.	Public administration and safety	a person employed or engaged by or on behalf of the NSW Government for the purposes of responding to the COVID-19 pandemic
7.	Public administration and safety	<ul style="list-style-type: none">• a members of an Australian Parliament

Item	Sector	Exempted affected person
		<ul style="list-style-type: none"> electorate office staff
8.	Public administration and safety	Defence, national security and law enforcement
9.	Public administration and safety	<ul style="list-style-type: none"> a person employed or engaged by Services Australia a person employed or engaged by Service NSW
10.	Public administration and safety	the conduct of local government, State or Commonwealth elections
11.	Health care and social assistance	a person who provides health services within the meaning of the Health Services Act 1997 (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner
12.	Health care and social assistance	a person who provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)
13.	Health care and social assistance	a person employed or engaged by the Department of Communities and Justice to provide housing or homelessness services
14.	Health care and social assistance	a community housing provider
15.	Health care and social assistance	a person employed or engaged to provide services to persons with disability or vulnerable persons
16.	Health care and social assistance	a person employed or engaged at a residential aged care facility
17.	Health care and social assistance	family violence and sexual assault services
18.	Health care and social assistance	veterinary services (including laboratory and diagnostic services and clinics)
19.	Health care and social assistance	animal welfare, care and accommodation services (excluding pet grooming unless there is an immediate animal welfare reason)
20.	Health care and social assistance	end of life services including funeral, crematorium and cemetery services, mortuaries and morgues, spiritual or religious services connected to end of life services
21.	Education	education and schooling
22.	Education	early childhood education and care
23.	Agriculture	biosecurity and food safety personnel undertaking critical duties

Item	Sector	Exempted affected person
24.	Manufacturing	production and manufacturing of food, beverages, groceries, cleaning and sanitary products
25.	Manufacturing	food and fibre processing and manufacturing
26.	Manufacturing	manufacture of food and beverage packaging
27.	Manufacturing	manufacture of coffins and caskets
28.	Manufacturing	manufacturing of medical equipment, consumables and personal protective equipment
29.	Manufacturing	Manufacturing of pharmaceutical and blood products
30.	Manufacturing	manufacturing of telecommunications equipment and infrastructure
31.	Manufacturing	manufacturing of firefighting equipment and supplies
32.	Manufacturing	manufacturing, installation, maintenance or repair of items that are required for the operation of infrastructure, plant or equipment that is necessary to protect human health or safety
33.	Transport, postal and warehousing	seaport and airport operations
34.	Transport, postal and warehousing	freight, logistics, postal, courier or delivery services (including food logistics, delivery and grocery fulfilment) but not home and office removals
35.	Transport, postal and warehousing	export supply chain operators
36.	Transport, postal and warehousing	distribution of food, groceries and sanitary products for sale by supermarkets, grocery shops or other shops that predominantly sell food or drinks
37.	Transport, postal and warehousing	warehousing
38.	Transport, postal and warehousing	<ul style="list-style-type: none"> • road transport (passenger and freight) apart from taxi and rideshare services • rail transport (passenger and freight) – including rail yards • water transport (passenger and freight) • air transport (passenger and freight) • pipeline and other transport • transport support services • vehicle repairs and critical maintenance including disinfection • towing services • critical safety operational staff for transport
39.	Electricity, gas, water and waste services	<ul style="list-style-type: none"> • electricity services • operation of energy systems • gas services • liquid fuels • water supply, sewerage, sanitation and drainage services

Item	Sector	Exempted affected person
		<ul style="list-style-type: none"> • waste resource recovery services (including collection, treatment and disposal services)
40.	Information media and telecommunications	<ul style="list-style-type: none"> • telecommunications services, internet service providers, web search portals and data processing services • data specialists and technicians • data storage • journalism and media services for news and other critical public communications purposes
41.	Financial services	Critical financial services and infrastructure
42.	Other services	essential services for the maintenance, safety and upkeep of public and recreational spaces

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* has been renamed the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*. It was amended commencing 30 July 2021 and expires at the beginning of 28 August 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A worker from the LGA of City of Fairfield who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act (PHA)*. Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that

a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An **affected person** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms from the person's home or temporary accommodation. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted. *Different rules apply for persons from high risk LGAs (refer to other section of this Fact Sheet)*

- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:

- undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
- no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
- for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

The above does not apply to the homeless.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine facility (under the Air or Maritime Orders), or under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

From 31 July 2021, a person who lives alone in Greater Sydney may nominate visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the person's home or temporary accommodation is in a high risk LGA (City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta) and the nominated visitor's home or temporary accommodation is no more than 5km away, and
- if the person's home or temporary accommodation is not in 1 of the above LGAs, the nominated visitor also does not reside in 1 of the above LGAs.

Workers in places of residence

From 31 July 2021, a worker is authorised to visit home in Greater Sydney.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- the prescribed work is necessary if the work is carried out in the LGAs of City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta), OR
- the prescribed work carried out is outside those LGAs, and:
 - no more than 2 workers are present (prescribed or other work).
 - no more than 5 workers are present for outdoors work (prescribed or other work)
 - only workers are in the same room together.

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or
- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater

Sydney for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service

- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney

- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Closure of construction sites

Work cannot be done on construction sites in Greater Sydney until 31 July 2021 when work can restart in Greater Sydney (but not in the LGAs of City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta).

Exemptions: the work is urgently required:

- for the safety and security of the site
- to deal with environmental risks
- to maintain and ensure the integrity of critical plant, equipment or assets, including partially completed works
- to receive deliveries that would otherwise deteriorate
- to maintain public utilities
- to ensure the safe operation of existing transport infrastructure
- for an emergency
- by NSW Health in response to the COVID-19 pandemic.

These exemptions apply across all of Greater Sydney, including the LGAs of City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta.

Despite the above exemptions, from 29 July 2021 work required to prepare for the commencement of work on a construction site may be carried out in Greater Sydney (but not in the LGAs of City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta) including:

- checking or maintaining installations or equipment
- cleaning, waste removal or waste management
- stocktaking or restocking
- delivery of materials or equipment
- servicing or installation of amenities
- relocation on the construction site of plant or equipment
- issuing permits or certificates
- establishing arrangements or procedures to help protect persons from COVID-19
- erecting fencing or hoarding
- inspections, including for:
 - (i) technical reasons, or
 - (ii) safety, including work health and safety, or
 - (iii) for valuations or other financial reasons,
- removing water

- connecting power, fuel or services
- safety work, including work related to:
 - (i) fire safety, or
 - (ii) electrical safety
- surveying or marking out
- training required to be carried out on the construction site

A person cannot enter or stay on a construction site except for the reasons above.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

From 31 July 2021, a construction site will be required to have a COVID-19 Safety Plan, with the completed checklist, “*Construction sites in Greater Sydney*”.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* to check compliance with the Health Minister’s direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW

Special provisions for persons in a high risk LGA

HIGH RISK LGAs are City of Fairfield, City of Liverpool, Canterbury-Bankstown, City of Blacktown, Cumberland, City of Campbelltown, Georges River and City of Parramatta.

Face coverings – outdoors

From 30 July 2021, a person must wear a fitted face covering in an outdoor area (except part of a residential premises that is not common property) in a high risk LGA.

Note: the same exemptions apply to the wearing of face coverings like any other situation. Refer to *face coverings* in this Fact Sheet for more information.

Prohibition on leaving a high-risk LGA for work in another LGA

A person whose principal residence or temporary accommodation is in a high risk LGA must not leave their LGA for work unless exempt. Refer to Annexure B for list of authorised workers that are exempt.

Special limits on leaving home in a high risk LGA for food, goods and services

From 30 July 2021, a person who lives or has temporary accommodation in a high risk LGA may leave their home or temporary accommodation to obtain food, goods or services if:

- the food, goods and services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
- the food, goods or services are obtained:
 - (a) within 5 kms of the home or temporary accommodation, or
 - (b) if they are not reasonably available in the 5 km radius – from another place in the LGA, or
 - (c) if they are not reasonably available in the LGA, from the closest place in Greater Sydney to the home that they are available.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

An adult must carry evidence of name and address or temporary accommodation and provides it to police on request.

Special limits on leaving home in a high risk LGA for exercise or outdoor recreation

From 30 July 2021, a person who lives or has temporary accommodation in a high risk LGA may leave their home or temporary accommodation for exercise or outdoor recreation if:

- it is undertaken within 5 kms of the home or temporary accommodation, and
- for a person travelling in a private vehicle, no other person is in the vehicle other than a member of the person's household or the person's nominated visitor, and,
- for an adult, the person carries evidence of name and address or temporary accommodation and provides it to police on request.

Mandatory COVID-19 testing for workers from the City of Fairfield at premises in another LGA

A person who lives or has temporary accommodation in the City of Fairfield must not enter premises for work in an LGA outside the City of Fairfield unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier or premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 at least every 7 days. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for health and aged care workers from the Canterbury-Bankstown LGA working at premises in another LGA

From 23 July 2021, a person who lives or has temporary accommodation in the Canterbury Bankstown LGA, and who:

- works in a residential aged care facility, or
- provides health services within the meaning of the *Health Services Act 1997* (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner (each a "health services provider"), or
- provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)

must not enter premises for work outside of the Canterbury-Bankstown LGA unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier or premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A Greater Sydney worker is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals

- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering *(safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet)*
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney
- from 30 July 2021, in an outdoor area (except part of a residential premises that is not common property) in the following LGAs only: City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable **(from 22 July 2021, a person must carry:**
 - **a medical certificate or other written evidence signed by a registered medical practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and**
 - **evidence of the person's name and address.**

The medical certificate/evidence and identification must be produced to a police officer by the person for inspection on request. A copy of the medical certificate/evidence must be given to a police officer by the person on request.)

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing

- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is working at a school that is not in Greater Sydney
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household or the person's nominated visitor.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST AND WOLLONGONG

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**—
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to—
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,

- an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
 - The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
 - The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
 - The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney only)	\$200
	97090 (Fail to carry face covering in Greater Sydney) - individual	\$200
	96960 (Fail to comply with any other wear face covering directive) – individual	\$200
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1,000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order not listed)	\$1,000
	97091 Employer fail to require employee to work from home (Greater Sydney) - Individual	\$2,000
	97092 Employer not allow employee to work from home (NOT Greater Sydney) - Individual	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	895638 Fail to comply with noticed direction (other than a face covering breach) – corporation	\$5,000
	897091 Employer fail to require employee to work from home (Greater Sydney) - Corporation	\$10,000
	897092 Employer not allow employee to work from home (NOT Greater Sydney) - Corporation	\$5,000

COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	<p>96587 (Not wear fitted face covering in retail/business premises)</p> <p>96588 (Not wear fitted face covering in licensed gaming area)</p> <p>96589 (Not wear fitted face covering in entertainment facility)</p> <p>96590 (Not wear fitted face covering in place of public worship etc)</p> <p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)</p> <p>97090 (Fail to carry face covering in Greater Sydney)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney) – Individual or corporation</p> <p>97092 Employer not allow employee to work from home (NOT Greater Sydney) – Individual or corporation</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

Annexure B

Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

This list is being constantly updated please see <https://www.nsw.gov.au/covid-19/rules/authorised-workers> for the most up to date list.

Item	Sector	Exempted affected person
1.	Retail trade	<p>a person employed or engaged to work for a retail premises specified in clause 24(1A) of the Order:</p> <ul style="list-style-type: none">• supermarkets and neighbourhood shops• shops that predominantly sell food or drinks• chemists and pharmacies• kiosks• shops that predominately sell any of the following—<ul style="list-style-type: none">— office supplies,— pet supplies— (newspapers, magazines and stationery— alcohol— maternity and baby supplies— medical or pharmaceutical supplies• food and drink premises, but only as permitted under clause 24(1)(b) of the Order• cellar door premises, but only as permitted under clause 24(1)(e) of the Order• hardware and building supplies• landscaping material supplies• rural supplies• timber yards• garden centres and plant nurseries,• vehicle hire premises, not including the premises at which vehicles are sold• industrial or commercial food retailing• fuel retailing
2.	Administrative and support services	“click and collect” services
3.	Public administration and safety	a member of the NSW Police Force, Fire and Rescue NSW, the NSW State Emergency Service, the NSW Rural Fire Service or the Ambulance Service of NSW or other emergency services worker
4.	Public administration and safety	fire protection and safety
5.	Public administration and safety	the administration of justice, including in relation to the operation of courts and tribunals, correctional centres and community corrections
6.	Public administration and safety	a person employed or engaged by or on behalf of the NSW Government for the purposes of responding to the COVID-19 pandemic
7.	Public administration and safety	<ul style="list-style-type: none">• a members of an Australian Parliament

Item	Sector	Exempted affected person
		<ul style="list-style-type: none"> electorate office staff
8.	Public administration and safety	Defence, national security and law enforcement
9.	Public administration and safety	<ul style="list-style-type: none"> a person employed or engaged by Services Australia a person employed or engaged by Service NSW
10.	Public administration and safety	the conduct of local government, State or Commonwealth elections
11.	Health care and social assistance	a person who provides health services within the meaning of the Health Services Act 1997 (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner
12.	Health care and social assistance	a person who provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)
13.	Health care and social assistance	a person employed or engaged by the Department of Communities and Justice to provide housing or homelessness services
14.	Health care and social assistance	a community housing provider
15.	Health care and social assistance	a person employed or engaged to provide services to persons with disability or vulnerable persons
16.	Health care and social assistance	a person employed or engaged at a residential aged care facility
17.	Health care and social assistance	family violence and sexual assault services
18.	Health care and social assistance	veterinary services (including laboratory and diagnostic services and clinics)
19.	Health care and social assistance	animal welfare, care and accommodation services (excluding pet grooming unless there is an immediate animal welfare reason)
20.	Health care and social assistance	end of life services including funeral, crematorium and cemetery services, mortuaries and morgues, spiritual or religious services connected to end of life services
21.	Education	education and schooling
22.	Education	early childhood education and care
23.	Agriculture	biosecurity and food safety personnel undertaking critical duties

Item	Sector	Exempted affected person
24.	Manufacturing	production and manufacturing of food, beverages, groceries, cleaning and sanitary products
25.	Manufacturing	food and fibre processing and manufacturing
26.	Manufacturing	manufacture of food and beverage packaging
27.	Manufacturing	manufacture of coffins and caskets
28.	Manufacturing	manufacturing of medical equipment, consumables and personal protective equipment
29.	Manufacturing	Manufacturing of pharmaceutical and blood products
30.	Manufacturing	manufacturing of telecommunications equipment and infrastructure
31.	Manufacturing	manufacturing of firefighting equipment and supplies
32.	Manufacturing	manufacturing, installation, maintenance or repair of items that are required for the operation of infrastructure, plant or equipment that is necessary to protect human health or safety
33.	Transport, postal and warehousing	seaport and airport operations
34.	Transport, postal and warehousing	freight, logistics, postal, courier or delivery services (including food logistics, delivery and grocery fulfilment) but not home and office removals
35.	Transport, postal and warehousing	export supply chain operators
36.	Transport, postal and warehousing	distribution of food, groceries and sanitary products for sale by supermarkets, grocery shops or other shops that predominantly sell food or drinks
37.	Transport, postal and warehousing	warehousing
38.	Transport, postal and warehousing	<ul style="list-style-type: none"> • road transport (passenger and freight) apart from taxi and rideshare services • rail transport (passenger and freight) – including rail yards • water transport (passenger and freight) • air transport (passenger and freight) • pipeline and other transport • transport support services • vehicle repairs and critical maintenance including disinfection • towing services • critical safety operational staff for transport
39.	Electricity, gas, water and waste services	<ul style="list-style-type: none"> • electricity services • operation of energy systems • gas services • liquid fuels • water supply, sewerage, sanitation and drainage services

Item	Sector	Exempted affected person
		<ul style="list-style-type: none"> • waste resource recovery services (including collection, treatment and disposal services)
40.	Information media and telecommunications	<ul style="list-style-type: none"> • telecommunications services, internet service providers, web search portals and data processing services • data specialists and technicians • data storage • journalism and media services for news and other critical public communications purposes
41.	Financial services	Critical financial services and infrastructure
42.	Other services	essential services for the maintenance, safety and upkeep of public and recreational spaces

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* has been renamed the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*. It was amended commencing 31 July 2021 and expires at the beginning of 28 August 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A worker from the LGA of City of Fairfield who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act (PHA)*. Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that

a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An ***affected person*** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms from the person's home or temporary accommodation. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted. *Different rules apply for persons from high risk LGAs (refer to other section of this Fact Sheet)*

- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:

- undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
- no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
- for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

The above does not apply to the homeless.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine facility (under the Air or Maritime Orders), or under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

From 31 July 2021, a person who lives alone in Greater Sydney may nominate visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the person's home or temporary accommodation is in a high risk LGA (City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta) and the nominated visitor's home or temporary accommodation is no more than 5km away, and
- if the person's home or temporary accommodation is not in 1 of the above LGAs, the nominated visitor also does not reside in 1 of the above LGAs.

Workers in places of residence

From 31 July 2021, a worker is authorised to visit home in Greater Sydney.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- the prescribed work is necessary if the work is carried out in the LGAs of City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta), OR
- the prescribed work carried out is outside those LGAs, and:
 - it is necessary
 - no more than 2 workers are present (prescribed or other work).
 - no more than 5 workers are present for outdoors work (prescribed or other work)
 - only workers are in the same room together.

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or
- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages

- (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies

- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Closure of construction sites

Work cannot be done on construction sites in Greater Sydney until 31 July 2021 when work can restart in Greater Sydney (but not in the LGAs of City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta).

Exemptions: the work is urgently required:

- for the safety and security of the site
- to deal with environmental risks
- to maintain and ensure the integrity of critical plant, equipment or assets, including partially completed works
- to receive deliveries that would otherwise deteriorate
- to maintain public utilities
- to ensure the safe operation of existing transport infrastructure
- for an emergency
- by NSW Health in response to the COVID-19 pandemic.

These exemptions apply across all of Greater Sydney, including the LGAs of City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta.

Despite the above exemptions, from 29 July 2021 work required to prepare for the commencement of work on a construction site may be carried out in Greater Sydney (but not in the LGAs of City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta) including:

- checking or maintaining installations or equipment
- cleaning, waste removal or waste management
- stocktaking or restocking
- delivery of materials or equipment
- servicing or installation of amenities
- relocation on the construction site of plant or equipment
- issuing permits or certificates
- establishing arrangements or procedures to help protect persons from COVID-19
- erecting fencing or hoarding
- inspections, including for:
 - (i) technical reasons, or

- (ii) safety, including work health and safety, or
- (iii) for valuations or other financial reasons,
- removing water
- connecting power, fuel or services
- safety work, including work related to:
 - (i) fire safety, or
 - (ii) electrical safety
- surveying or marking out
- training required to be carried out on the construction site

A person cannot enter or stay on a construction site except for the reasons above.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

From 31 July 2021, a construction site will be required to have a COVID-19 Safety Plan, with the completed checklist, “*Construction sites in Greater Sydney*”.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* to check compliance with the Health Minister’s direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW

Special provisions for persons in a high risk LGA

HIGH RISK LGAs are City of Fairfield, City of Liverpool, Canterbury-Bankstown, City of Blacktown, Cumberland, City of Campbelltown, Georges River and City of Parramatta.

Face coverings – outdoors

From 30 July 2021, a person must wear a fitted face covering in an outdoor area (except part of a residential premises that is not common property) in a high risk LGA.

Note: the same exemptions apply to the wearing of face coverings like any other situation. Refer to *face coverings* in this Fact Sheet for more information.

Prohibition on leaving a high-risk LGA for work in another LGA

A person whose principal residence or temporary accommodation is in a high risk LGA must not leave their LGA for work unless exempt. Refer to Annexure B for list of authorised workers that are exempt.

Special limits on leaving home in a high risk LGA for food, goods and services

From 30 July 2021, a person who lives or has temporary accommodation in a high risk LGA may leave their home or temporary accommodation to obtain food, goods or services if:

- the food, goods and services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
- the food, goods or services are obtained:
 - (a) within 5 kms of the home or temporary accommodation, or
 - (b) if they are not reasonably available in the 5 km radius – from another place in the LGA, or
 - (c) if they are not reasonably available in the LGA, from the closest place in Greater Sydney to the home that they are available.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

An adult must carry evidence of name and address or temporary accommodation and provides it to police on request.

Special limits on leaving home in a high risk LGA for exercise or outdoor recreation

From 30 July 2021, a person who lives or has temporary accommodation in a high risk LGA may leave their home or temporary accommodation for exercise or outdoor recreation if:

- it is undertaken within 5 kms of the home or temporary accommodation, and
- for a person travelling in a private vehicle, no other person is in the vehicle other than a member of the person's household or the person's nominated visitor, and,
- for an adult, the person carries evidence of name and address or temporary accommodation and provides it to police on request.

Mandatory COVID-19 testing for workers from the Canterbury-Bankstown LGA at premises in another LGA

From 31 July 2021, a person who lives or has temporary accommodation in the Canterbury-Bankstown LGA must not enter premises for work in an LGA outside the Canterbury-Bankstown unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 at least every 7 days. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for health and aged care workers from the LGA of City of Fairfield or Cumberland working at premises in another LGA

From 31 July 2021, a person who lives or has temporary accommodation in the LGA of City of Fairfield or Cumberland, and who:

- works in a residential aged care facility, or
- provides health services within the meaning of the *Health Services Act 1997* (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner (each a "health services provider"), or
- provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)

must not enter premises for work outside of the LGA in which they live or the LGA in which they are staying in temporary accommodation unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A Greater Sydney worker is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties.

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals

- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering *(safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet)*
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney
- from 30 July 2021, in an outdoor area (except part of a residential premises that is not common property) in the following LGAs only: City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable **(from 22 July 2021, a person must carry:**
 - **a medical certificate or other written evidence signed by a registered medical practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and**
 - **evidence of the person's name and address.**

The medical certificate/evidence and identification must be produced to a police officer by the person for inspection on request. A copy of the medical certificate/evidence must be given to a police officer by the person on request.)

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing

- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is working at a school that is not in Greater Sydney
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household or the person's nominated visitor.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST AND WOLLONGONG

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**—
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to—
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,

- an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
 - The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
 - The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
 - The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Child/young person fail to comply with a noticed direction in relation to section 7/8/9 – COVID-19 – Face Covering THESE PINS ARE FOR CHILDREN/YOUNG PERSONS AND COVER ALL FACE COVERING RELATED OFFENCES	97105 (15 years old or younger not wear/carry fitted face covering)	\$40
	97104 (16 or 17 years old not wear/carry fitted face covering) CHILDREN 12 YRS & UNDER ARE EXEMPT AND CANNOT RECEIVE A PENALTY NOTICE FOR A FACE COVERING OFFENCE	\$80
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction) – Adults only	96587 (Not wear fitted face covering in retail/business premises)	\$500
	96588 (Not wear fitted face covering in licensed gaming area)	\$500
	96589 (Not wear fitted face covering in entertainment facility)	\$500
	96590 (Not wear fitted face covering in place of public worship etc)	\$500
	96591 (Not wear fitted face covering residential aged care facility)	\$500
	96592 (Not wear fitted face covering public transport waiting area)	\$500
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$500
	96594 (Not wear fitted face covering - hospitality venue worker)	\$500
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$500
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$500
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$500
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney only)	\$500
	97090 (Fail to carry face covering in Greater Sydney) - individual	\$500
	96960 (Fail to comply with any other wear face covering directive) – individual	\$500
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1,000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order not listed)	\$1,000
	97091 Employer fail to require employee to work from home (Greater Sydney) - Individual	\$2,000
	97092 Employer not allow employee to work from home (NOT Greater Sydney) - Individual	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	895638 Fail to comply with noticed direction (other than a face covering breach) – corporation	\$5,000
	897091 Employer fail to require employee to work from home (Greater Sydney) - Corporation	\$10,000
	897092 Employer not allow employee to work from	

	home (NOT Greater Sydney) - Corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	97105 (15 years old or younger not wear/carry fitted face covering)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	97104 (16 or 17 years old not wear/carry fitted face covering)	
	96587 (Not wear fitted face covering in retail/business premises)	
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	
	96591 (Not wear fitted face covering residential aged care facility)	
	96592 (Not wear fitted face covering public transport waiting area)	
	96593 (Not wear fitted face covering in public transport/taxi etc)	
	96594 (Not wear fitted face covering - hospitality venue worker)	
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	
	96953 (Not wear face covering in indoor area of non-residential premises)	
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	
	97090 (Fail to carry face covering in Greater Sydney)	
	96960 (Fail to comply with any other wear face covering directive) – individual	
	896960 (Fail to comply with any other wear face covering directive) – corporation	
	96952 Travel from Metropolitan Sydney area to place in NSW outside area	
	97091 Employer fail to require employee to work from home (Greater Sydney) – Individual or corporation	
97092 Employer not allow employee to work from home (NOT Greater Sydney) – individual or corporation		
95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)		

Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

Annexure B

Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

This list is being constantly updated please see <https://www.nsw.gov.au/covid-19/rules/authorised-workers> for the most up to date list.

Item	Sector	Exempted affected person
1.	Retail trade	<p>a person employed or engaged to work for a retail premises specified in clause 24(1A) of the Order:</p> <ul style="list-style-type: none">• supermarkets and neighbourhood shops• shops that predominantly sell food or drinks• chemists and pharmacies• kiosks• shops that predominately sell any of the following—<ul style="list-style-type: none">— office supplies,— pet supplies— (newspapers, magazines and stationery— alcohol— maternity and baby supplies— medical or pharmaceutical supplies• food and drink premises, but only as permitted under clause 24(1)(b) of the Order• cellar door premises, but only as permitted under clause 24(1)(e) of the Order• hardware and building supplies• landscaping material supplies• rural supplies• timber yards• garden centres and plant nurseries,• vehicle hire premises, not including the premises at which vehicles are sold• industrial or commercial food retailing• fuel retailing
2.	Administrative and support services	“click and collect” services
3.	Public administration and safety	a member of the NSW Police Force, Fire and Rescue NSW, the NSW State Emergency Service, the NSW Rural Fire Service or the Ambulance Service of NSW or other emergency services worker
4.	Public administration and safety	fire protection and safety
5.	Public administration and safety	the administration of justice, including in relation to the operation of courts and tribunals, correctional centres and community corrections
6.	Public administration and safety	a person employed or engaged by or on behalf of the NSW Government for the purposes of responding to the COVID-19 pandemic
7.	Public administration and safety	<ul style="list-style-type: none">• a members of an Australian Parliament

Item	Sector	Exempted affected person
		<ul style="list-style-type: none"> electorate office staff
8.	Public administration and safety	Defence, national security and law enforcement
9.	Public administration and safety	<ul style="list-style-type: none"> a person employed or engaged by Services Australia a person employed or engaged by Service NSW
10.	Public administration and safety	the conduct of local government, State or Commonwealth elections
11.	Health care and social assistance	a person who provides health services within the meaning of the Health Services Act 1997 (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner
12.	Health care and social assistance	a person who provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)
13.	Health care and social assistance	a person employed or engaged by the Department of Communities and Justice to provide housing or homelessness services
14.	Health care and social assistance	a community housing provider
15.	Health care and social assistance	a person employed or engaged to provide services to persons with disability or vulnerable persons
16.	Health care and social assistance	a person employed or engaged at a residential aged care facility
17.	Health care and social assistance	family violence and sexual assault services
18.	Health care and social assistance	veterinary services (including laboratory and diagnostic services and clinics)
19.	Health care and social assistance	animal welfare, care and accommodation services (excluding pet grooming unless there is an immediate animal welfare reason)
20.	Health care and social assistance	end of life services including funeral, crematorium and cemetery services, mortuaries and morgues, spiritual or religious services connected to end of life services
21.	Education	education and schooling
22.	Education	early childhood education and care
23.	Agriculture	biosecurity and food safety personnel undertaking critical duties

Item	Sector	Exempted affected person
24.	Manufacturing	production and manufacturing of food, beverages, groceries, cleaning and sanitary products
25.	Manufacturing	food and fibre processing and manufacturing
26.	Manufacturing	manufacture of food and beverage packaging
27.	Manufacturing	manufacture of coffins and caskets
28.	Manufacturing	manufacturing of medical equipment, consumables and personal protective equipment
29.	Manufacturing	Manufacturing of pharmaceutical and blood products
30.	Manufacturing	manufacturing of telecommunications equipment and infrastructure
31.	Manufacturing	manufacturing of firefighting equipment and supplies
32.	Manufacturing	manufacturing, installation, maintenance or repair of items that are required for the operation of infrastructure, plant or equipment that is necessary to protect human health or safety
33.	Transport, postal and warehousing	seaport and airport operations
34.	Transport, postal and warehousing	freight, logistics, postal, courier or delivery services (including food logistics, delivery and grocery fulfilment) but not home and office removals
35.	Transport, postal and warehousing	export supply chain operators
36.	Transport, postal and warehousing	distribution of food, groceries and sanitary products for sale by supermarkets, grocery shops or other shops that predominantly sell food or drinks
37.	Transport, postal and warehousing	warehousing
38.	Transport, postal and warehousing	<ul style="list-style-type: none"> • road transport (passenger and freight) apart from taxi and rideshare services • rail transport (passenger and freight) – including rail yards • water transport (passenger and freight) • air transport (passenger and freight) • pipeline and other transport • transport support services • vehicle repairs and critical maintenance including disinfection • towing services • critical safety operational staff for transport
39.	Electricity, gas, water and waste services	<ul style="list-style-type: none"> • electricity services • operation of energy systems • gas services • liquid fuels • water supply, sewerage, sanitation and drainage services

Item	Sector	Exempted affected person
		<ul style="list-style-type: none"> waste resource recovery services (including collection, treatment and disposal services)
40.	Information media and telecommunications	<ul style="list-style-type: none"> telecommunications services, internet service providers, web search portals and data processing services data specialists and technicians data storage journalism and media services for news and other critical public communications purposes
41.	Financial services	Critical financial services and infrastructure
42.	Other services	essential services for the maintenance, safety and upkeep of public and recreational spaces

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* has been renamed the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*. It was amended commencing 31 July 2021 and expires at the beginning of 28 August 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A worker from the LGA of City of Fairfield who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act (PHA)*. Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that

a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An **affected person** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms from the person's home or temporary accommodation. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted. *Different rules apply for persons from high risk LGAs (refer to other section of this Fact Sheet)*

- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:

- undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
- no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
- for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

The above does not apply to the homeless.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine facility (under the Air or Maritime Orders), or under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

From 31 July 2021, a person who lives alone in Greater Sydney may nominate visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the person's home or temporary accommodation is in a high risk LGA (City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta) and the nominated visitor's home or temporary accommodation is no more than 5km away, and
- if the person's home or temporary accommodation is not in 1 of the above LGAs, the nominated visitor also does not reside in 1 of the above LGAs.

Workers in places of residence

From 31 July 2021, a worker is authorised to visit home in Greater Sydney.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- the prescribed work is necessary if the work is carried out in the LGAs of City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta), OR
- the prescribed work carried out is outside those LGAs, and:
 - no more than 2 workers are present (prescribed or other work).
 - no more than 5 workers are present for outdoors work (prescribed or other work)
 - only workers are in the same room together.

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or
- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater

Sydney for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service

- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney

- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Closure of construction sites

Work cannot be done on construction sites in Greater Sydney until 31 July 2021 when work can restart in Greater Sydney (but not in the LGAs of City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta).

Exemptions: the work is urgently required:

- for the safety and security of the site
- to deal with environmental risks
- to maintain and ensure the integrity of critical plant, equipment or assets, including partially completed works
- to receive deliveries that would otherwise deteriorate
- to maintain public utilities
- to ensure the safe operation of existing transport infrastructure
- for an emergency
- by NSW Health in response to the COVID-19 pandemic.

These exemptions apply across all of Greater Sydney, including the LGAs of City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta.

Despite the above exemptions, from 29 July 2021 work required to prepare for the commencement of work on a construction site may be carried out in Greater Sydney (but not in the LGAs of City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta) including:

- checking or maintaining installations or equipment
- cleaning, waste removal or waste management
- stocktaking or restocking
- delivery of materials or equipment
- servicing or installation of amenities
- relocation on the construction site of plant or equipment
- issuing permits or certificates
- establishing arrangements or procedures to help protect persons from COVID-19
- erecting fencing or hoarding
- inspections, including for:
 - (i) technical reasons, or
 - (ii) safety, including work health and safety, or
 - (iii) for valuations or other financial reasons,
- removing water

- connecting power, fuel or services
- safety work, including work related to:
 - (i) fire safety, or
 - (ii) electrical safety
- surveying or marking out
- training required to be carried out on the construction site

A person cannot enter or stay on a construction site except for the reasons above.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

From 31 July 2021, a construction site will be required to have a COVID-19 Safety Plan, with the completed checklist, “*Construction sites in Greater Sydney*”.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* to check compliance with the Health Minister’s direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW

Special provisions for persons in a high risk LGA

HIGH RISK LGAs are **City of Fairfield, City of Liverpool, Canterbury-Bankstown, City of Blacktown, Cumberland, City of Campbelltown, Georges River and City of Parramatta.**

Face coverings – outdoors

From 30 July 2021, a person must wear a fitted face covering in an outdoor area (except part of a residential premises that is not common property) in a high risk LGA.

Note: the same exemptions apply to the wearing of face coverings like any other situation. Refer to *face coverings* in this Fact Sheet for more information.

Prohibition on leaving a high-risk LGA for work in another LGA

A person whose principal residence or temporary accommodation is in a high risk LGA must not leave their LGA for work unless exempt. Refer to Annexure B for list of authorised workers that are exempt.

Special limits on leaving home in a high risk LGA for food, goods and services

From 30 July 2021, a person who lives or has temporary accommodation in a high risk LGA may leave their home or temporary accommodation to obtain food, goods or services if:

- the food, goods and services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
- the food, goods or services are obtained:
 - (a) within 5 kms of the home or temporary accommodation, or
 - (b) if they are not reasonably available in the 5 km radius – from another place in the LGA, or
 - (c) if they are not reasonably available in the LGA, from the closest place in Greater Sydney to the home that they are available.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

An adult must carry evidence of name and address or temporary accommodation and provides it to police on request.

Special limits on leaving home in a high risk LGA for exercise or outdoor recreation

From 30 July 2021, a person who lives or has temporary accommodation in a high risk LGA may leave their home or temporary accommodation for exercise or outdoor recreation if:

- it is undertaken within 5 kms of the home or temporary accommodation, and
- for a person travelling in a private vehicle, no other person is in the vehicle other than a member of the person's household or the person's nominated visitor, and,
- for an adult, the person carries evidence of name and address or temporary accommodation and provides it to police on request.

Mandatory COVID-19 testing for workers from the Canterbury-Bankstown LGA at premises in another LGA

From 31 July 2021, a person who lives or has temporary accommodation in the Canterbury-Bankstown LGA must not enter premises for work in an LGA outside the Canterbury-Bankstown unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 at least every 7 days. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for health and aged care workers from the LGA of City of Fairfield or Cumberland working at premises in another LGA

From 31 July 2021, a person who lives or has temporary accommodation in the LGA of City of Fairfield or Cumberland, and who:

- works in a residential aged care facility, or
- provides health services within the meaning of the *Health Services Act 1997* (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner (each a "health services provider"), or
- provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)

must not enter premises for work outside of the LGA in which they live or the LGA in which they are staying in temporary accommodation unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A Greater Sydney worker is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties.

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals

- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted.

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises,
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering *(safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet)*
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney
- from 30 July 2021, in an outdoor area (except part of a residential premises that is not common property) in the following LGAs only: City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable **(from 22 July 2021, a person must carry:**
 - **a medical certificate or other written evidence signed by a registered medical practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and**
 - **evidence of the person's name and address.**

The medical certificate/evidence and identification must be produced to a police officer by the person for inspection on request. A copy of the medical certificate/evidence must be given to a police officer by the person on request.)

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing

- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is working at a school that is not in Greater Sydney
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household or the person's nominated visitor.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST AND WOLLONGONG

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**—
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to—
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,

- an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
 - The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
 - The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
 - The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Child/young person fail to comply with a noticed direction in relation to section 7/8/9 – COVID-19 – Face Covering THESE PINS ARE FOR CHILDREN/YOUNG PERSONS AND COVER ALL FACE COVERING RELATED OFFENCES	97105 (15 years old or younger not wear/carry fitted face covering)	\$40
	97104 (16 or 17 years old not wear/carry fitted face covering) CHILDREN 12 YRS & UNDER ARE EXEMPT AND CANNOT RECEIVE A PENALTY NOTICE FOR A FACE COVERING OFFENCE	\$80
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction) – Adults only	96587 (Not wear fitted face covering in retail/business premises)	\$500
	96588 (Not wear fitted face covering in licensed gaming area)	\$500
	96589 (Not wear fitted face covering in entertainment facility)	\$500
	96590 (Not wear fitted face covering in place of public worship etc)	\$500
	96591 (Not wear fitted face covering residential aged care facility)	\$500
	96592 (Not wear fitted face covering public transport waiting area)	\$500
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$500
	96594 (Not wear fitted face covering - hospitality venue worker)	\$500
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$500
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$500
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$500
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney only)	\$500
	97090 (Fail to carry face covering in Greater Sydney) - individual	\$500
	96960 (Fail to comply with any other wear face covering directive) – individual	\$500
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1,000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order not listed)	\$1,000
	97091 Employer fail to require employee to work from home (Greater Sydney) - Individual	\$2,000
	97092 Employer not allow employee to work from home (NOT Greater Sydney) - Individual	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	895638 Fail to comply with noticed direction (other than a face covering breach) – corporation	\$5,000
	897091 Employer fail to require employee to work from home (Greater Sydney) - Corporation	\$10,000

	897092 Employer not allow employee to work from home (NOT Greater Sydney) - Corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	97105 (15 years old or younger not wear/carry fitted face covering)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	97104 (16 or 17 years old not wear/carry fitted face covering)	
	96587 (Not wear fitted face covering in retail/business premises)	
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	
	96591 (Not wear fitted face covering residential aged care facility)	
	96592 (Not wear fitted face covering public transport waiting area)	
	96593 (Not wear fitted face covering in public transport/taxi etc)	
	96594 (Not wear fitted face covering - hospitality venue worker)	
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	
	96953 (Not wear face covering in indoor area of non-residential premises)	
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	
	97090 (Fail to carry face covering in Greater Sydney)	
	96960 (Fail to comply with any other wear face covering directive) – individual	
	896960 (Fail to comply with any other wear face covering directive) – corporation	
	96952 Travel from Metropolitan Sydney area to place in NSW outside area	
	97091 Employer fail to require employee to work from home (Greater Sydney) – Individual or corporation	
	97092 Employer not allow employee to work from home (NOT Greater Sydney) – individual or corporation	
	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	

Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

Annexure B

Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

This list is being constantly updated please see <https://www.nsw.gov.au/covid-19/rules/authorised-workers> for the most up to date list.

Item	Sector	Exempted affected person
1.	Retail trade	<p>a person employed or engaged to work for a retail premises specified in clause 24(1A) of the Order:</p> <ul style="list-style-type: none">• supermarkets and neighbourhood shops• shops that predominantly sell food or drinks• chemists and pharmacies• kiosks• shops that predominately sell any of the following—<ul style="list-style-type: none">— office supplies,— pet supplies— (newspapers, magazines and stationery— alcohol— maternity and baby supplies— medical or pharmaceutical supplies• food and drink premises, but only as permitted under clause 24(1)(b) of the Order• cellar door premises, but only as permitted under clause 24(1)(e) of the Order• hardware and building supplies• landscaping material supplies• rural supplies• timber yards• garden centres and plant nurseries,• vehicle hire premises, not including the premises at which vehicles are sold• industrial or commercial food retailing• fuel retailing
2.	Administrative and support services	“click and collect” services
3.	Public administration and safety	a member of the NSW Police Force, Fire and Rescue NSW, the NSW State Emergency Service, the NSW Rural Fire Service or the Ambulance Service of NSW or other emergency services worker
4.	Public administration and safety	fire protection and safety
5.	Public administration and safety	the administration of justice, including in relation to the operation of courts and tribunals, correctional centres and community corrections
6.	Public administration and safety	a person employed or engaged by or on behalf of the NSW Government for the purposes of responding to the COVID-19 pandemic
7.	Public administration and safety	<ul style="list-style-type: none">• a members of an Australian Parliament

Item	Sector	Exempted affected person
		<ul style="list-style-type: none"> electorate office staff
8.	Public administration and safety	Defence, national security and law enforcement
9.	Public administration and safety	<ul style="list-style-type: none"> a person employed or engaged by Services Australia a person employed or engaged by Service NSW
10.	Public administration and safety	the conduct of local government, State or Commonwealth elections
11.	Health care and social assistance	a person who provides health services within the meaning of the Health Services Act 1997 (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner
12.	Health care and social assistance	a person who provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)
13.	Health care and social assistance	a person employed or engaged by the Department of Communities and Justice to provide housing or homelessness services
14.	Health care and social assistance	a community housing provider
15.	Health care and social assistance	a person employed or engaged to provide services to persons with disability or vulnerable persons
16.	Health care and social assistance	a person employed or engaged at a residential aged care facility
17.	Health care and social assistance	family violence and sexual assault services
18.	Health care and social assistance	veterinary services (including laboratory and diagnostic services and clinics)
19.	Health care and social assistance	animal welfare, care and accommodation services (excluding pet grooming unless there is an immediate animal welfare reason)
20.	Health care and social assistance	end of life services including funeral, crematorium and cemetery services, mortuaries and morgues, spiritual or religious services connected to end of life services
21.	Education	education and schooling
22.	Education	early childhood education and care
23.	Agriculture	biosecurity and food safety personnel undertaking critical duties

Item	Sector	Exempted affected person
24.	Manufacturing	production and manufacturing of food, beverages, groceries, cleaning and sanitary products
25.	Manufacturing	food and fibre processing and manufacturing
26.	Manufacturing	manufacture of food and beverage packaging
27.	Manufacturing	manufacture of coffins and caskets
28.	Manufacturing	manufacturing of medical equipment, consumables and personal protective equipment
29.	Manufacturing	Manufacturing of pharmaceutical and blood products
30.	Manufacturing	manufacturing of telecommunications equipment and infrastructure
31.	Manufacturing	manufacturing of firefighting equipment and supplies
32.	Manufacturing	manufacturing, installation, maintenance or repair of items that are required for the operation of infrastructure, plant or equipment that is necessary to protect human health or safety
33.	Manufacturing	manufacture of building supplies to support construction
34.	Transport, postal and warehousing	seaport and airport operations
35.	Transport, postal and warehousing	freight, logistics, postal, courier or delivery services (including food logistics, delivery and grocery fulfilment) but not home and office removals
36.	Transport, postal and warehousing	export supply chain operators
37.	Transport, postal and warehousing	distribution of food, groceries and sanitary products for sale by supermarkets, grocery shops or other shops that predominantly sell food or drinks
38.	Transport, postal and warehousing	warehousing
39.	Transport, postal and warehousing	<ul style="list-style-type: none"> • road transport (passenger and freight) apart from taxi and rideshare services • rail transport (passenger and freight) – including rail yards • water transport (passenger and freight) • air transport (passenger and freight) • pipeline and other transport • transport support services • vehicle repairs and critical maintenance including disinfection • towing services • critical safety operational staff for transport
40.	Electricity, gas, water and waste services	<ul style="list-style-type: none"> • electricity services • operation of energy systems • gas services

Item	Sector	Exempted affected person
		<ul style="list-style-type: none"> • liquid fuels • water supply, sewerage, sanitation and drainage services • waste resource recovery services (including collection, treatment and disposal services)
41.	Information media and telecommunications	<ul style="list-style-type: none"> • telecommunications services, internet service providers, web search portals and data processing services • data specialists and technicians • data storage • journalism and media services for news and other critical public communications purposes
42.	Financial services	Critical financial services and infrastructure
43.	Other services	essential services for the maintenance, safety and upkeep of public and recreational spaces
44.	Other services	faith leaders broadcasting services and ceremonies at places of worship, or providing end of life care and support

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19 Movement and Gathering Restrictions

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* has been renamed the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*. It was amended on 5 August 2021 and expires at the beginning of 28 August 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A worker from the LGA of City of Fairfield who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police

are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains: Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An ***affected person*** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must **not**, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms from the person's home or temporary accommodation. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is **not** permitted. *Different rules apply for persons from high risk LGAs (refer to other section of this Fact Sheet)*

- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading **Authorised visitors to places of residence**
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:

- undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
- no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
- for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

The above does not apply to the homeless.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine or medical facility (under the Air or Maritime Orders), or while isolating at their residence or other suitable accommodation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by private suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

From 31 July 2021, a person who lives alone in Greater Sydney may nominate visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the person's home or temporary accommodation is in a high risk LGA (City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta) and the nominated visitor's home or temporary accommodation is no more than 5km away, and
- if the person's home or temporary accommodation is not in 1 of the above LGAs, the nominated visitor also does not reside in 1 of the above LGAs, and
- the nominated visitor resides in Greater Sydney,

Workers in places of residence

From 31 July 2021, a worker is authorised to visit home in Greater Sydney.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- the prescribed work is necessary if the work is carried out in the LGAs of City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta), OR
- the prescribed work carried out is outside those LGAs, and:
 - no more than 2 workers are present (prescribed or other work).
 - no more than 5 workers are present for outdoors work (prescribed or other work)
 - only workers are in the same room together.

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or
- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together

- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person (also an “exempt person”) who has otherwise not been in Greater Sydney in the previous 14 days is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms

- (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Closure of construction sites

Work cannot be done on construction sites in Greater Sydney until 31 July 2021 when work can restart in Greater Sydney (but not in the LGAs of City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta).

Exemptions: the work is urgently required:

- for the safety and security of the site
- to deal with environmental risks
- to maintain and ensure the integrity of critical plant, equipment or assets, including partially completed works
- to receive deliveries that would otherwise deteriorate
- to maintain public utilities
- to ensure the safe operation of existing transport infrastructure
- for an emergency
- by NSW Health in response to the COVID-19 pandemic.

These exemptions apply across all of Greater Sydney, including the LGAs of City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta.

Despite the above exemptions, from 29 July 2021 work required to prepare for the commencement of work on a construction site may be carried out in Greater Sydney (but not in the LGAs of City of

Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta) including:

- checking or maintaining installations or equipment
- cleaning, waste removal or waste management
- stocktaking or restocking
- delivery of materials or equipment
- servicing or installation of amenities
- relocation on the construction site of plant or equipment
- issuing permits or certificates
- establishing arrangements or procedures to help protect persons from COVID-19
- erecting fencing or hoarding
- inspections, including for:
 - (i) technical reasons, or
 - (ii) safety, including work health and safety, or
 - (iii) for valuations or other financial reasons,
- removing water
- connecting power, fuel or services
- safety work, including work related to:
 - (i) fire safety, or
 - (ii) electrical safety
- surveying or marking out
- training required to be carried out on the construction site

A person cannot enter or stay on a construction site except for the reasons above.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

From 31 July 2021, a construction site will be required to have a COVID-19 Safety Plan, with the completed checklist, *“Construction sites in Greater Sydney”*.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW

Special provisions for persons in a high risk LGA

HIGH RISK LGAs are City of Fairfield, City of Liverpool, Canterbury-Bankstown, City of Blacktown, Cumberland, City of Campbelltown, Georges River and City of Parramatta.

Face coverings – outdoors

From 30 July 2021, a person must wear a fitted face covering in an outdoor area (except part of a residential premises that is not common property) in a high risk LGA.

Note: the same exemptions apply to the wearing of face coverings like any other situation. Refer to *face coverings* in this Fact Sheet for more information.

Prohibition on leaving a high-risk LGA for work in another LGA

A person whose principal residence or temporary accommodation is in a high risk LGA must not leave their LGA for work unless exempt. Refer to Annexure B for list of authorised workers that are exempt.

Special limits on leaving home in a high risk LGA for food, goods and services

From 30 July 2021, a person who lives or has temporary accommodation in a high risk LGA may leave their home or temporary accommodation to obtain food, goods or services if:

- the food, goods and services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
- the food, goods or services are obtained:
 - (a) within 5 kms of the home or temporary accommodation, or
 - (b) if they are not reasonably available in the 5 km radius – from another place in the LGA, or
 - (c) if they are not reasonably available in the LGA, from the closest place in Greater Sydney to the home that they are available.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

An adult must carry evidence of name and address or temporary accommodation and provides it to police on request.

Special limits on leaving home in a high risk LGA for exercise or outdoor recreation

From 30 July 2021, a person who lives or has temporary accommodation in a high risk LGA may leave their home or temporary accommodation for exercise or outdoor recreation if:

- it is undertaken within 5 kms of the home or temporary accommodation, and
- for a person travelling in a private vehicle, no other person is in the vehicle other than a member of the person's household or the person's nominated visitor, and,

- for an adult, the person carries evidence of name and address or temporary accommodation and provides it to police on request.

Mandatory COVID-19 testing for workers from the Canterbury-Bankstown LGA at premises in another LGA

From 31 July 2021, a person who lives or has temporary accommodation in the Canterbury-Bankstown LGA must not enter premises for work in an LGA outside the Canterbury-Bankstown unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 at least every 7 days. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for health and aged care workers from the LGA of City of Fairfield or Cumberland working at premises in another LGA

From 31 July 2021, a person who lives or has temporary accommodation in the LGA of City of Fairfield or Cumberland, and who:

- works in a residential aged care facility, or
- provides health services within the meaning of the *Health Services Act 1997* (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner (each a "health services provider"), or
- provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)

must not enter premises for work outside of the LGA in which they live or the LGA in which they are staying in temporary accommodation unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A Greater Sydney worker is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and

- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties.

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

NOTE: The Newcastle and Hunter area also has special restrictions – refer to **Fact Sheet 31. Where any inconsistency applies between the below and the special restrictions, the special restrictions prevail.**

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises outside of Greater Sydney (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises. In Greater Sydney, the number of persons on premises must not exceed the 1 person per 4sqm rule.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (*safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet*)
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney
- from 30 July 2021, in an outdoor area (except part of a residential premises that is not common property) in the following LGAs only: City of Blacktown, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool and City of Parramatta

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable (from 22 July 2021, a person must carry:
 - a medical certificate or other written evidence signed by a registered medical practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

The medical certificate/evidence and identification must be produced to a police officer by the person for inspection on request. A copy of the medical certificate/evidence must be given to a police officer by the person on request.)

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is working at a school that is not in Greater Sydney
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household or the person's nominated visitor.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST, WOLLONGONG AND THE NEWCASTLE & HUNTER AREA

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**—
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to—
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Child/young person fail to comply with a noticed direction in relation to section 7/8/9 – COVID-19 – Face Covering THESE PINS ARE FOR CHILDREN/YOUNG PERSONS AND COVER ALL FACE COVERING RELATED OFFENCES	97105 (15 years old or younger not wear/carry fitted face covering)	\$40
	97104 (16 or 17 years old not wear/carry fitted face covering) CHILDREN 12 YRS & UNDER ARE EXEMPT AND CANNOT RECEIVE A PENALTY NOTICE FOR A FACE COVERING OFFENCE	\$80
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction) – Adults only	96587 (Not wear fitted face covering in retail/business premises)	\$500
	96588 (Not wear fitted face covering in licensed gaming area)	\$500
	96589 (Not wear fitted face covering in entertainment facility)	\$500
	96590 (Not wear fitted face covering in place of public worship etc)	\$500
	96591 (Not wear fitted face covering residential aged care facility)	\$500
	96592 (Not wear fitted face covering public transport waiting area)	\$500
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$500
	96594 (Not wear fitted face covering - hospitality venue worker)	\$500
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$500
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$500
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$500
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney only)	\$500
	97090 (Fail to carry face covering in Greater Sydney) - individual	\$500
	96960 (Fail to comply with any other wear face covering directive) – individual	\$500
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1,000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order not listed)	\$1,000
	97091 Employer fail to require employee to work from home (Greater Sydney) - Individual	\$2,000
	97092 Employer not allow employee to work from home (NOT Greater Sydney) - Individual	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	895638 Fail to comply with noticed direction (other than a face covering breach) – corporation	\$5,000
	897091 Employer fail to require employee to work from home (Greater Sydney) - Corporation	\$10,000

	897092 Employer not allow employee to work from home (NOT Greater Sydney) - Corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	97105 (15 years old or younger not wear/carry fitted face covering)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	97104 (16 or 17 years old not wear/carry fitted face covering)	
	96587 (Not wear fitted face covering in retail/business premises)	
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	
	96591 (Not wear fitted face covering residential aged care facility)	
	96592 (Not wear fitted face covering public transport waiting area)	
	96593 (Not wear fitted face covering in public transport/taxi etc)	
	96594 (Not wear fitted face covering - hospitality venue worker)	
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	
	96953 (Not wear face covering in indoor area of non-residential premises)	
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	
	97090 (Fail to carry face covering in Greater Sydney)	
	96960 (Fail to comply with any other wear face covering directive) – individual	
	896960 (Fail to comply with any other wear face covering directive) – corporation	
	96952 Travel from Metropolitan Sydney area to place in NSW outside area	
	97091 Employer fail to require employee to work from home (Greater Sydney) – Individual or corporation	
97092 Employer not allow employee to work from home (NOT Greater Sydney) – individual or corporation		
95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)		

Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

Annexure B

Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

This list is being constantly updated please see <https://www.nsw.gov.au/covid-19/rules/authorised-workers> for the most up to date list.

Item	Sector	Exempted affected person
1.	Retail trade	<p>a person employed or engaged to work for a retail premises specified in clause 24(1A) of the Order:</p> <ul style="list-style-type: none">• supermarkets and neighbourhood shops• shops that predominantly sell food or drinks• chemists and pharmacies• kiosks• shops that predominately sell any of the following—<ul style="list-style-type: none">— office supplies,— pet supplies— (newspapers, magazines and stationery— alcohol— maternity and baby supplies— medical or pharmaceutical supplies• food and drink premises, but only as permitted under clause 24(1)(b) of the Order• cellar door premises, but only as permitted under clause 24(1)(e) of the Order• hardware and building supplies• landscaping material supplies• rural supplies• timber yards• garden centres and plant nurseries,• vehicle hire premises, not including the premises at which vehicles are sold• industrial or commercial food retailing• fuel retailing
2.	Administrative and support services	“click and collect” services
3.	Public administration and safety	a member of the NSW Police Force, Fire and Rescue NSW, the NSW State Emergency Service, the NSW Rural Fire Service or the Ambulance Service of NSW or other emergency services worker
4.	Public administration and safety	fire protection and safety
5.	Public administration and safety	the administration of justice, including in relation to the operation of courts and tribunals, correctional centres and community corrections
6.	Public administration and safety	a person employed or engaged by or on behalf of the NSW Government for the purposes of responding to the COVID-19 pandemic
7.	Public administration and safety	<ul style="list-style-type: none">• a members of an Australian Parliament

Item	Sector	Exempted affected person
		<ul style="list-style-type: none"> electorate office staff
8.	Public administration and safety	Defence, national security and law enforcement
9.	Public administration and safety	<ul style="list-style-type: none"> a person employed or engaged by Services Australia a person employed or engaged by Service NSW
10.	Public administration and safety	the conduct of local government, State or Commonwealth elections
11.	Health care and social assistance	a person who provides health services within the meaning of the Health Services Act 1997 (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner
12.	Health care and social assistance	a person who provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)
13.	Health care and social assistance	a person employed or engaged by the Department of Communities and Justice to provide housing or homelessness services
14.	Health care and social assistance	a community housing provider
15.	Health care and social assistance	a person employed or engaged to provide services to persons with disability or vulnerable persons
16.	Health care and social assistance	a person employed or engaged at a residential aged care facility
17.	Health care and social assistance	family violence and sexual assault services
18.	Health care and social assistance	veterinary services (including laboratory and diagnostic services and clinics)
19.	Health care and social assistance	animal welfare, care and accommodation services (excluding pet grooming unless there is an immediate animal welfare reason)
20.	Health care and social assistance	end of life services including funeral, crematorium and cemetery services, mortuaries and morgues, spiritual or religious services connected to end of life services
21.	Education	education and schooling
22.	Education	early childhood education and care
23.	Agriculture	biosecurity and food safety personnel undertaking critical duties

Item	Sector	Exempted affected person
24.	Manufacturing	production and manufacturing of food, beverages, groceries, cleaning and sanitary products
25.	Manufacturing	food and fibre processing and manufacturing
26.	Manufacturing	manufacture of food and beverage packaging
27.	Manufacturing	manufacture of coffins and caskets
28.	Manufacturing	manufacturing of medical equipment, consumables and personal protective equipment
29.	Manufacturing	Manufacturing of pharmaceutical and blood products
30.	Manufacturing	manufacturing of telecommunications equipment and infrastructure
31.	Manufacturing	manufacturing of firefighting equipment and supplies
32.	Manufacturing	manufacturing, installation, maintenance or repair of items that are required for the operation of infrastructure, plant or equipment that is necessary to protect human health or safety
33.	Manufacturing	manufacture of building supplies to support construction
34.	Transport, postal and warehousing	seaport and airport operations
35.	Transport, postal and warehousing	freight, logistics, postal, courier or delivery services (including food logistics, delivery and grocery fulfilment) but not home and office removals
36.	Transport, postal and warehousing	export supply chain operators
37.	Transport, postal and warehousing	distribution of food, groceries and sanitary products for sale by supermarkets, grocery shops or other shops that predominantly sell food or drinks
38.	Transport, postal and warehousing	warehousing
39.	Transport, postal and warehousing	<ul style="list-style-type: none"> • road transport (passenger and freight) apart from taxi and rideshare services • rail transport (passenger and freight) – including rail yards • water transport (passenger and freight) • air transport (passenger and freight) • pipeline and other transport • transport support services • vehicle repairs and critical maintenance including disinfection • towing services • critical safety operational staff for transport
40.	Electricity, gas, water and waste services	<ul style="list-style-type: none"> • electricity services • operation of energy systems • gas services

Item	Sector	Exempted affected person
		<ul style="list-style-type: none"> • liquid fuels • water supply, sewerage, sanitation and drainage services • waste resource recovery services (including collection, treatment and disposal services)
41.	Information media and telecommunications	<ul style="list-style-type: none"> • telecommunications services, internet service providers, web search portals and data processing services • data specialists and technicians • data storage • journalism and media services for news and other critical public communications purposes
42.	Financial services	Critical financial services and infrastructure
43.	Other services	essential services for the maintenance, safety and upkeep of public and recreational spaces
44.	Other services	faith leaders broadcasting services and ceremonies at places of worship, or providing end of life care and support

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19

Delta Outbreak Restrictions (Temporary Gathering and Movement)

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* has been renamed the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*. It was amended on 8 August 2021 and expires at the beginning of 28 August 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A worker from the LGA of Canterbury Bankstown (all workers), City of Fairfield and Cumberland (aged care and health) who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- A Greater Sydney worker who enters premises for work more than 50km outside Greater Sydney must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the previous 7 days before they enter the premises for work.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for

the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.

- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An **affected person** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must **not**, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms from the person's home or temporary accommodation and not in a declared area. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is **not** permitted. *Different rules apply for persons from declared areas (refer to other section of this Fact Sheet)*

- work if it is not reasonably practicable to do it from home **and** if the person visits another person's home, the work is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare

- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

The above does not apply to the homeless.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine or medical facility (under the Air or Maritime Orders), or while isolating at their residence or other suitable accommodation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by private suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and

- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

From 31 July 2021, a person who lives alone in Greater Sydney may nominate visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the person's home or temporary accommodation is in a declared area and the nominated visitor's home or temporary accommodation is no more than 5km away, and
- if the person's home or temporary accommodation is not in a declared area, the nominated visitor also does not reside in 1 of the above LGAs, and
- the nominated visitor resides in Greater Sydney.

Workers in places of residence

From 31 July 2021, a worker is authorised to visit home in Greater Sydney.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- the prescribed work is necessary if the work is carried out in a declared area, OR
- the prescribed work is carried out not in a declared area, and:
 - no more than 2 workers are present (prescribed or other work).
 - no more than 5 workers are present for outdoors work (prescribed or other work)
 - only workers are in the same room together.

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or
- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person (also an “exempt person”) who has otherwise not been in Greater Sydney in the previous 14 days is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or

- (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
- (iii) for a shopping centre, selling take-away food or beverages
- (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks

- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Closure of construction sites

Work can be done on construction sites in Greater Sydney but not in a declared area.

Exemptions: the work is urgently required:

- for the safety and security of the site
- to deal with environmental risks
- to maintain and ensure the integrity of critical plant, equipment or assets, including partially completed works
- to receive deliveries that would otherwise deteriorate
- to maintain public utilities
- to ensure the safe operation of existing transport infrastructure
- for an emergency
- by NSW Health in response to the COVID-19 pandemic.

A person cannot enter or stay on a construction site except for the reasons above.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

From 31 July 2021, a construction site will be required to have a COVID-19 Safety Plan, with the completed checklist, “*Construction sites in Greater Sydney*”.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW

Special provisions for persons in a "declared area"

A "declared area" includes each of the following:

- **City of Fairfield**
- **City of Liverpool**
- **Canterbury-Bankstown**
- **City of Blacktown**
- **Cumberland**
- **Georges River**
- **City of Campbelltown**
- **City of Parramatta, and**
- **City of Penrith comprising the following suburbs:**
 - **Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys.**

Face coverings – outdoors

A person must wear a fitted face covering in an outdoor area (except part of a residential premises that is not common property) in a declared area.

Note: the same exemptions apply to the wearing of face coverings like any other situation. Refer to *face coverings* in this Fact Sheet for more information.

Prohibition on leaving a declared area for work in another LGA

A person whose principal residence or temporary accommodation is in a declared area must not leave the declared area for work unless exempt. Refer to Annexure B for list of authorised workers that are exempt.

Special limits on leaving home in a declared area for food, goods and services

A person who lives or has temporary accommodation in a declared area may leave their home or temporary accommodation to obtain food, goods or services if:

- the food, goods and services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
- the food, goods or services are obtained:
 - (a) within 5 kms of the home or temporary accommodation, or
 - (b) if they are not reasonably available in the 5 km radius – from another place in the declared area, or
 - (c) if they are not reasonably available in the declared area, from the closest place in Greater Sydney to the home that they are available.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

An adult must carry evidence of name and address or temporary accommodation and provides it to police on request.

Special limits on leaving home in a declared area for exercise or outdoor recreation

A person who lives or has temporary accommodation in a declared area may leave their home or temporary accommodation for exercise or outdoor recreation if:

- it is undertaken within 5 kms of the home or temporary accommodation, and
- for a person travelling in a private vehicle, no other person is in the vehicle other than a member of the person's household or the person's nominated visitor, and,
- for an adult, the person carries evidence of name and address or temporary accommodation and provides it to police on request.

Mandatory COVID-19 testing for workers from the Canterbury-Bankstown LGA at premises in another LGA

A person who lives or has temporary accommodation in the Canterbury-Bankstown LGA must not enter premises for work in an LGA outside the Canterbury-Bankstown unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 at least every 7 days. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for health and aged care workers from the LGA of City of Fairfield or Cumberland working at premises in another LGA

A person who lives or has temporary accommodation in the LGA of City of Fairfield or Cumberland, and who:

- works in a residential aged care facility, or
- provides health services within the meaning of the *Health Services Act 1997* (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner (each a "health services provider"), or
- provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)

must not enter premises for work outside of the LGA in which they live or the LGA in which they are staying in temporary accommodation unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A Greater Sydney worker is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties.

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

NOTE: The Newcastle and Hunter area and the Armidale, Ballina, Byron, Lismore, Richmond and Tamworth areas also have special restrictions – refer to Fact Sheet 31. Where any inconsistency applies between the below and the special restrictions, the special restrictions prevail.

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises outside of Greater Sydney (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises. In Greater Sydney, the number of persons on premises must not exceed the 1 person per 4sqm rule.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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

- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.

A **nightclub** means premises that are 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.

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet)
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney
- from 30 July 2021, in an outdoor area (except part of a residential premises that is not common property) in a declared area

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. **A person must carry:**
 - a medical certificate or other written evidence signed by a registered medical practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

The medical certificate/evidence and identification must be produced to a police officer by the person for inspection on request. A copy of the medical certificate/evidence must be given to a police officer by the person on request.)

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is working at a school that is not in Greater Sydney
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household or the person's nominated visitor.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST, WOLLONGONG, NEWCASTLE & HUNTER AREA, ARMIDALE, BALLINA, BYRON, LISMORE, RICHMOND & TAMWORTH

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.

- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to:
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Child/young person fail to comply with a noticed direction in relation to section 7/8/9 – COVID-19 – Face Covering THESE PINS ARE FOR CHILDREN/YOUNG PERSONS AND COVER ALL FACE COVERING RELATED OFFENCES	97105 (15 years old or younger not wear/carry fitted face covering)	\$40
	97104 (16 or 17 years old not wear/carry fitted face covering) CHILDREN 12 YRS & UNDER ARE EXEMPT AND CANNOT RECEIVE A PENALTY NOTICE FOR A FACE COVERING OFFENCE	\$80
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction) – Adults only	96587 (Not wear fitted face covering in retail/business premises)	\$500
	96588 (Not wear fitted face covering in licensed gaming area)	\$500
	96589 (Not wear fitted face covering in entertainment facility)	\$500
	96590 (Not wear fitted face covering in place of public worship etc)	\$500
	96591 (Not wear fitted face covering residential aged care facility)	\$500
	96592 (Not wear fitted face covering public transport waiting area)	\$500
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$500
	96594 (Not wear fitted face covering - hospitality venue worker)	\$500
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$500
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$500
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$500
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney only)	\$500
	97090 (Fail to carry face covering in Greater Sydney) - individual	\$500
96960 (Fail to comply with any other wear face covering directive) – individual	\$500	
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1,000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order not listed)	\$1,000
	97091 Employer fail to require employee to work from home (Greater Sydney) - Individual	\$2,000
	97092 Employer not allow employee to work from home (NOT Greater Sydney) - Individual	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	895638 Fail to comply with noticed direction (other than a face covering breach) – corporation	\$5,000
	897091 Employer fail to require employee to work from home (Greater Sydney) - Corporation	\$10,000

	897092 Employer not allow employee to work from home (NOT Greater Sydney) - Corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	97105 (15 years old or younger not wear/carry fitted face covering)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	97104 (16 or 17 years old not wear/carry fitted face covering)	
	96587 (Not wear fitted face covering in retail/business premises)	
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	
	96591 (Not wear fitted face covering residential aged care facility)	
	96592 (Not wear fitted face covering public transport waiting area)	
	96593 (Not wear fitted face covering in public transport/taxi etc)	
	96594 (Not wear fitted face covering - hospitality venue worker)	
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	
	96953 (Not wear face covering in indoor area of non-residential premises)	
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	
	97090 (Fail to carry face covering in Greater Sydney)	
	96960 (Fail to comply with any other wear face covering directive) – individual	
	896960 (Fail to comply with any other wear face covering directive) – corporation	
	96952 Travel from Metropolitan Sydney area to place in NSW outside area	
	97091 Employer fail to require employee to work from home (Greater Sydney) – Individual or corporation	
97092 Employer not allow employee to work from home (NOT Greater Sydney) – individual or corporation		
95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)		

Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

Annexure B

Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

This list is being constantly updated please see <https://www.nsw.gov.au/covid-19/rules/authorised-workers> for the most up to date list.

Item	Sector	Exempted affected person
1.	Retail trade	<p>a person employed or engaged to work for a retail premises specified in clause 24(1A) of the Order:</p> <ul style="list-style-type: none">• supermarkets and neighbourhood shops• shops that predominantly sell food or drinks• chemists and pharmacies• kiosks• shops that predominately sell any of the following—<ul style="list-style-type: none">— office supplies,— pet supplies— (newspapers, magazines and stationery— alcohol— maternity and baby supplies— medical or pharmaceutical supplies• food and drink premises, but only as permitted under clause 24(1)(b) of the Order• cellar door premises, but only as permitted under clause 24(1)(e) of the Order• hardware and building supplies• landscaping material supplies• rural supplies• timber yards• garden centres and plant nurseries,• vehicle hire premises, not including the premises at which vehicles are sold• industrial or commercial food retailing• fuel retailing
2.	Administrative and support services	“click and collect” services
3.	Public administration and safety	a member of the NSW Police Force, Fire and Rescue NSW, the NSW State Emergency Service, the NSW Rural Fire Service or the Ambulance Service of NSW or other emergency services worker
4.	Public administration and safety	fire protection and safety
5.	Public administration and safety	the administration of justice, including in relation to the operation of courts and tribunals, correctional centres and community corrections
6.	Public administration and safety	a person employed or engaged by or on behalf of the NSW Government for the purposes of responding to the COVID-19 pandemic
7.	Public administration and safety	<ul style="list-style-type: none">• a members of an Australian Parliament

Item	Sector	Exempted affected person
		<ul style="list-style-type: none"> electorate office staff
8.	Public administration and safety	Defence, national security and law enforcement
9.	Public administration and safety	<ul style="list-style-type: none"> a person employed or engaged by Services Australia a person employed or engaged by Service NSW
10.	Public administration and safety	the conduct of local government, State or Commonwealth elections
11.	Health care and social assistance	a person who provides health services within the meaning of the Health Services Act 1997 (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner
12.	Health care and social assistance	a person who provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)
13.	Health care and social assistance	a person employed or engaged by the Department of Communities and Justice to provide housing or homelessness services
14.	Health care and social assistance	a community housing provider
15.	Health care and social assistance	a person employed or engaged to provide services to persons with disability or vulnerable persons
16.	Health care and social assistance	a person employed or engaged at a residential aged care facility
17.	Health care and social assistance	family violence and sexual assault services
18.	Health care and social assistance	veterinary services (including laboratory and diagnostic services and clinics)
19.	Health care and social assistance	animal welfare, care and accommodation services (excluding pet grooming unless there is an immediate animal welfare reason)
20.	Health care and social assistance	end of life services including funeral, crematorium and cemetery services, mortuaries and morgues, spiritual or religious services connected to end of life services
21.	Education	education and schooling
22.	Education	early childhood education and care
23.	Agriculture	biosecurity and food safety personnel undertaking critical duties

Item	Sector	Exempted affected person
24.	Manufacturing	production and manufacturing of food, beverages, groceries, cleaning and sanitary products
25.	Manufacturing	food and fibre processing and manufacturing
26.	Manufacturing	manufacture of food and beverage packaging
27.	Manufacturing	manufacture of coffins and caskets
28.	Manufacturing	manufacturing of medical equipment, consumables and personal protective equipment
29.	Manufacturing	Manufacturing of pharmaceutical and blood products
30.	Manufacturing	manufacturing of telecommunications equipment and infrastructure
31.	Manufacturing	manufacturing of firefighting equipment and supplies
32.	Manufacturing	manufacturing, installation, maintenance or repair of items that are required for the operation of infrastructure, plant or equipment that is necessary to protect human health or safety
33.	Manufacturing	manufacture of building supplies to support construction
34.	Transport, postal and warehousing	seaport and airport operations
35.	Transport, postal and warehousing	freight, logistics, postal, courier or delivery services (including food logistics, delivery and grocery fulfilment) but not home and office removals
36.	Transport, postal and warehousing	export supply chain operators
37.	Transport, postal and warehousing	distribution of food, groceries and sanitary products for sale by supermarkets, grocery shops or other shops that predominantly sell food or drinks
38.	Transport, postal and warehousing	warehousing
39.	Transport, postal and warehousing	<ul style="list-style-type: none"> • road transport (passenger and freight) apart from taxi and rideshare services • rail transport (passenger and freight) – including rail yards • water transport (passenger and freight) • air transport (passenger and freight) • pipeline and other transport • transport support services • vehicle repairs and critical maintenance including disinfection • towing services • critical safety operational staff for transport
40.	Electricity, gas, water and waste services	<ul style="list-style-type: none"> • electricity services • operation of energy systems • gas services

Item	Sector	Exempted affected person
		<ul style="list-style-type: none"> • liquid fuels • water supply, sewerage, sanitation and drainage services • waste resource recovery services (including collection, treatment and disposal services)
41.	Information media and telecommunications	<ul style="list-style-type: none"> • telecommunications services, internet service providers, web search portals and data processing services • data specialists and technicians • data storage • journalism and media services for news and other critical public communications purposes
42.	Financial services	Critical financial services and infrastructure
43.	Other services	essential services for the maintenance, safety and upkeep of public and recreational spaces
44.	Other services	faith leaders broadcasting services and ceremonies at places of worship, or providing end of life care and support

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19

Delta Outbreak Restrictions (Temporary Gathering and Movement)

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* has been renamed the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*. It was amended on 10 August 2021 and expires at the beginning of 28 August 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A worker from the LGA of Canterbury Bankstown (all workers), City of Fairfield and Cumberland (aged care and health) who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- A Greater Sydney worker who enters premises for work more than 50km outside Greater Sydney must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the previous 7 days before they enter the premises for work.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.

- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An ***affected person*** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must **not**, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms from the person's home or temporary accommodation and not in a declared area. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.
Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is **not** permitted. *Different rules apply for persons from declared areas (refer to other section of this Fact Sheet)*
- work if it is not reasonably practicable to do it from home **and** if the person visits another person's home, the work is authorised. See below under heading **Authorised visitors to places of residence**
- attending childcare, including picking up or dropping off another person at childcare

- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

The above does not apply to the homeless.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine or medical facility (under the Air or Maritime Orders), or while isolating at their residence or other suitable accommodation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by private suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and

- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

From 31 July 2021, a person who lives alone in Greater Sydney may nominate visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the person's home or temporary accommodation is in a declared area and the nominated visitor's home or temporary accommodation is no more than 5km away, and
- if the person's home or temporary accommodation is not in a declared area, the nominated visitor also does not reside in 1 of the above LGAs, and
- the nominated visitor resides in Greater Sydney.

Workers in places of residence

From 31 July 2021, a worker is authorised to visit home in Greater Sydney.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- the prescribed work is necessary if the work is carried out in a declared area, OR
- the prescribed work is carried out not in a declared area, and:
 - no more than 2 workers are present (prescribed or other work).
 - no more than 5 workers are present for outdoors work (prescribed or other work)
 - only workers are in the same room together.

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or
- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person (also an “exempt person”) who has otherwise not been in Greater Sydney in the previous 14 days is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or

- (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
- (iii) for a shopping centre, selling take-away food or beverages
- (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks

- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site’s current resourcing plan from 31 July 2021 (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist, “*Construction sites in Greater Sydney*”.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under [Directions that apply to all NSW](#)

Special provisions for persons in a “declared area”

A “declared area” includes each of the following:

- **City of Fairfield**
- **City of Liverpool**
- **Canterbury-Bankstown**
- **City of Blacktown**
- **Cumberland**
- **Georges River**
- **City of Campbelltown**
- **City of Parramatta, and**
- **City of Penrith comprising the following suburbs:**
 - **Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys.**

Face coverings – outdoors

A person must wear a fitted face covering in an outdoor area (except part of a residential premises that is not common property) in a declared area.

Note: the same exemptions apply to the wearing of face coverings like any other situation. Refer to *face coverings* in this Fact Sheet for more information.

Prohibition on leaving a declared area for work in another LGA

A person whose principal residence or temporary accommodation is in a declared area must not leave the declared area for work unless exempt. The list of authorised workers that are exempt can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>. Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

An authorised worker must carry proof of residence, as well as any relevant evidence of vaccination, testing or medical contraindication as set out under the heading “Construction sites” above if authorised to work at a construction site, and produce that evidence for inspection to a police officer on request.

Construction sites in a declared area

Construction sites in a declared area must still comply with the rules that apply to Greater Sydney under the heading “Construction sites” above.

A person who lives or has temporary accommodation in a declared area must not enter or remain on a construction site in Greater Sydney unless the person:

- (a) has had 2 doses of a COVID-19 vaccine, or
- (b) has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- (c) has had 1 dose of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- (d) has a certified medical contraindication and has been tested for COVID-19 in the 72 hours before being on site.

Note: a test for COVID-19 includes a test for COVID-19 using a rapid antigen test on a construction site in the way approved by the Chief Health Officer.

A person who lives or has temporary accommodation in a declared area and travels outside for work on a construction site must carry the required evidence and produce it to a police officer on request.

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person’s employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The ‘required evidence’ includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

Special limits on leaving home in a declared area for food, goods and services

A person who lives or has temporary accommodation in a declared area may leave their home or

temporary accommodation to obtain food, goods or services if:

- the food, goods and services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
- the food, goods or services are obtained:
 - (a) within 5 kms of the home or temporary accommodation, or
 - (b) if they are not reasonably available in the 5 km radius – from another place in the declared area, or
 - (c) if they are not reasonably available in the declared area, from the closest place in Greater Sydney to the home that they are available.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

An adult must carry evidence of name and address or temporary accommodation and provides it to police on request.

Special limits on leaving home in a declared area for exercise or outdoor recreation

A person who lives or has temporary accommodation in a declared area may leave their home or temporary accommodation for exercise or outdoor recreation if:

- it is undertaken within 5 kms of the home or temporary accommodation, and
- for a person travelling in a private vehicle, no other person is in the vehicle other than a member of the person's household or the person's nominated visitor, and,
- for an adult, the person carries evidence of name and address or temporary accommodation and provides it to police on request.

Mandatory COVID-19 testing for workers from the Canterbury-Bankstown LGA at premises in another LGA

A person who lives or has temporary accommodation in the Canterbury-Bankstown LGA must not enter premises for work in an LGA outside the Canterbury-Bankstown unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 at least every 7 days. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for health and aged care workers from the LGA of City of Fairfield or Cumberland working at premises in another LGA

A person who lives or has temporary accommodation in the LGA of City of Fairfield or Cumberland, and who:

- works in a residential aged care facility, or
- provides health services within the meaning of the *Health Services Act 1997* (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner (each a "health services provider"), or
- provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)

must not enter premises for work outside of the LGA in which they live or the LGA in which they are staying in temporary accommodation unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A Greater Sydney worker is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties.

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

NOTE: The Newcastle and Hunter area and the Armidale, Ballina, Byron, Lismore, Richmond and Tamworth areas also have special restrictions – refer to Fact Sheet 31. Where any inconsistency applies between the below and the special restrictions, the special restrictions prevail.

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises outside of Greater Sydney (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises. In Greater Sydney, the number of persons on premises must not exceed the 1 person per 4sqm rule.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**
- a construction site in Greater Sydney

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises (see note below),
- any person on the premises because of an emergency,

- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service

- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet)
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney
- from 30 July 2021, in an outdoor area (except part of a residential premises that is not common property) in a declared area

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. **A person must carry:**
 - a medical certificate or other written evidence signed by a registered medical practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

The medical certificate/evidence and identification must be produced to a police officer by the person for inspection on request. A copy of the medical certificate/evidence must be given to a police officer by the person on request.)

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)

- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is working at a school that is not in Greater Sydney
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household or the person's nominated visitor.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST, WOLLONGONG, NEWCASTLE & HUNTER AREA, ARMIDALE, BALLINA, BYRON, LISMORE, RICHMOND & TAMWORTH

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to:
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.

- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Child/young person fail to comply with a noticed direction in relation to section 7/8/9 – COVID-19 – Face Covering THESE PINS ARE FOR CHILDREN/YOUNG PERSONS AND COVER ALL FACE COVERING RELATED OFFENCES	97105 (15 years old or younger not wear/carry fitted face covering)	\$40
	97104 (16 or 17 years old not wear/carry fitted face covering) CHILDREN 12 YRS & UNDER ARE EXEMPT AND CANNOT RECEIVE A PENALTY NOTICE FOR A FACE COVERING OFFENCE	\$80
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction) – Adults only	96587 (Not wear fitted face covering in retail/business premises)	\$500
	96588 (Not wear fitted face covering in licensed gaming area)	\$500
	96589 (Not wear fitted face covering in entertainment facility)	\$500
	96590 (Not wear fitted face covering in place of public worship etc)	\$500
	96591 (Not wear fitted face covering residential aged care facility)	\$500
	96592 (Not wear fitted face covering public transport waiting area)	\$500
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$500
	96594 (Not wear fitted face covering - hospitality venue worker)	\$500
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$500
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$500
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$500
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney only)	\$500
	97090 (Fail to carry face covering in Greater Sydney) - individual	\$500
	96960 (Fail to comply with any other wear face covering directive) – individual	\$500
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1,000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order not listed)	\$1,000
	97091 Employer fail to require employee to work from home (Greater Sydney) - Individual	\$2,000
	97092 Employer not allow employee to work from home (NOT Greater Sydney) - Individual	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	895638 Fail to comply with noticed direction (other than a face covering breach) – corporation	\$5,000
	897091 Employer fail to require employee to work from home (Greater Sydney) - Corporation	\$10,000

	897092 Employer not allow employee to work from home (NOT Greater Sydney) - Corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	97105 (15 years old or younger not wear/carry fitted face covering)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	97104 (16 or 17 years old not wear/carry fitted face covering)	
	96587 (Not wear fitted face covering in retail/business premises)	
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	
	96591 (Not wear fitted face covering residential aged care facility)	
	96592 (Not wear fitted face covering public transport waiting area)	
	96593 (Not wear fitted face covering in public transport/taxi etc)	
	96594 (Not wear fitted face covering - hospitality venue worker)	
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	
	96953 (Not wear face covering in indoor area of non-residential premises)	
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	
	97090 (Fail to carry face covering in Greater Sydney)	
	96960 (Fail to comply with any other wear face covering directive) – individual	
	896960 (Fail to comply with any other wear face covering directive) – corporation	
	96952 Travel from Metropolitan Sydney area to place in NSW outside area	
	97091 Employer fail to require employee to work from home (Greater Sydney) – Individual or corporation	
97092 Employer not allow employee to work from home (NOT Greater Sydney) – individual or corporation		
95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)		

Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19

Delta Outbreak Restrictions (Temporary Gathering and Movement)

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* has been renamed the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*. It was amended on 10 August 2021 and expires at the beginning of 28 August 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A worker from the LGA of Canterbury Bankstown (all workers), City of Fairfield and Cumberland (aged care and health) who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- A Greater Sydney worker who enters premises for work more than 50km outside Greater Sydney must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the previous 7 days before they enter the premises for work.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation or who has left their place of residence or temporary accommodation to obtain goods or services (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.

- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An ***affected person*** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must **not**, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms from the person's home or temporary accommodation and not in a declared area. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is **not** permitted. *Different rules apply for persons from declared areas (refer to other section of this Fact Sheet)*

- work if it is not reasonably practicable to do it from home **and** if the person visits another person's home, the work is authorised. See below under heading **Authorised visitors to places of residence**
- attending childcare, including picking up or dropping off another person at childcare

- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

The above does not apply to the homeless.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine or medical facility (under the Air or Maritime Orders), or while isolating at their residence or other suitable accommodation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by private suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and

- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

From 31 July 2021, a person who lives alone in Greater Sydney may nominate visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the person's home or temporary accommodation is in a declared area and the nominated visitor's home or temporary accommodation is no more than 5km away, and
- if the person's home or temporary accommodation is not in a declared area, the nominated visitor also does not reside in 1 of the above LGAs, and
- the nominated visitor resides in Greater Sydney.

Workers in places of residence

From 31 July 2021, a worker is authorised to visit home in Greater Sydney.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- the prescribed work is necessary if the work is carried out in a declared area, OR
- the prescribed work is carried out not in a declared area, and:
 - no more than 2 workers are present (prescribed or other work).
 - no more than 5 workers are present for outdoors work (prescribed or other work)
 - only workers are in the same room together.

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or
- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person (also an “exempt person”) who has otherwise not been in Greater Sydney in the previous 14 days is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or

- (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
- (iii) for a shopping centre, selling take-away food or beverages
- (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks

- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site’s current resourcing plan from 31 July 2021 (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist, “*Construction sites in Greater Sydney*”.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under [Directions that apply to all NSW](#)

Special provisions for persons in a “declared area”

A “declared area” includes each of the following:

- **City of Fairfield**
- **City of Liverpool**
- **Canterbury-Bankstown**
- **City of Blacktown**
- **Cumberland**
- **Georges River**
- **City of Campbelltown**
- **City of Parramatta, and**
- **City of Penrith comprising the following suburbs:**
 - **Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys.**

Face coverings – outdoors

A person must wear a fitted face covering in an outdoor area (except part of a residential premises that is not common property) in a declared area.

Note: the same exemptions apply to the wearing of face coverings like any other situation. Refer to *face coverings* in this Fact Sheet for more information.

Prohibition on leaving a declared area for work in another LGA

A person whose principal residence or temporary accommodation is in a declared area must not leave the declared area for work unless exempt. The list of authorised workers that are exempt can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>. Where an item in the list specifies an activity only, the effect is to exempt a ***worker employed or engaged to provide services that are necessary*** for that activity.

An authorised worker must carry proof of residence, as well as any relevant evidence of vaccination, testing or medical contraindication as set out under the heading “Construction sites” above if authorised to work at a construction site, and produce that evidence for inspection to a police officer on request.

Construction sites in a declared area

Construction sites in a declared area must still comply with the rules that apply to Greater Sydney under the heading “Construction sites” above.

A person who lives or has temporary accommodation in a declared area must not enter or remain on a construction site in Greater Sydney unless the person:

- (a) has had 2 doses of a COVID-19 vaccine, or
- (b) has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- (c) has had 1 dose of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- (d) has a certified medical contraindication and has been tested for COVID-19 in the 72 hours before being on site.

Note: a test for COVID-19 includes a test for COVID-19 using a rapid antigen test on a construction site in the way approved by the Chief Health Officer.

A person who lives or has temporary accommodation in a declared area and travels outside for work on a construction site must carry the required evidence and produce it to a police officer on request.

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person’s employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The ‘required evidence’ includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

Special limits on leaving home in a declared area for food, goods and services

A person who lives or has temporary accommodation in a declared area may leave their home or

temporary accommodation to obtain food, goods or services if:

- the food, goods and services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
- the food, goods or services are obtained:
 - (a) within 5 kms of the home or temporary accommodation, or
 - (b) if they are not reasonably available in the 5 km radius – from another place in the declared area, or
 - (c) if they are not reasonably available in the declared area, from the closest place in Greater Sydney to the home that they are available.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

An adult must carry evidence of name and address or temporary accommodation and provides it to police on request.

Special limits on leaving home in a declared area for exercise or outdoor recreation

A person who lives or has temporary accommodation in a declared area may leave their home or temporary accommodation for exercise or outdoor recreation if:

- it is undertaken within 5 kms of the home or temporary accommodation, and
- for a person travelling in a private vehicle, no other person is in the vehicle other than a member of the person's household or the person's nominated visitor, and,
- for an adult, the person carries evidence of name and address or temporary accommodation and provides it to police on request.

Mandatory COVID-19 testing for workers from the Canterbury-Bankstown LGA at premises in another LGA

A person who lives or has temporary accommodation in the Canterbury-Bankstown LGA must not enter premises for work in an LGA outside the Canterbury-Bankstown unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 at least every 7 days. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for health and aged care workers from the LGA of City of Fairfield or Cumberland working at premises in another LGA

A person who lives or has temporary accommodation in the LGA of City of Fairfield or Cumberland, and who:

- works in a residential aged care facility, or
- provides health services within the meaning of the *Health Services Act 1997* (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner (each a "health services provider"), or
- provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)

must not enter premises for work outside of the LGA in which they live or the LGA in which they are staying in temporary accommodation unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A Greater Sydney worker is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties.

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

NOTE: Affected regional areas have special restrictions – refer to Fact Sheet 32. Where any inconsistency applies between the below and the special restrictions, the special restrictions prevail.

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises outside of Greater Sydney (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises. In Greater Sydney, the number of persons on premises must not exceed the 1 person per 4sqm rule.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**
- a construction site in Greater Sydney

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises (see note below),
- any person on the premises because of an emergency,

- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service

- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet)
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney
- from 30 July 2021, in an outdoor area (except part of a residential premises that is not common property) in a declared area

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. **A person must carry:**
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

The medical certificate/evidence and identification must be produced to a police officer by the person for inspection on request. A copy of the medical certificate/evidence must be given to a police officer by the person on request.)

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)

- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is working at a school that is not in Greater Sydney
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household or the person's nominated visitor.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST, WOLLONGONG & AFFECTED REGIONAL AREAS

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to:
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.

- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Child/young person fail to comply with a noticed direction in relation to section 7/8/9 – COVID-19 – Face Covering THESE PINS ARE FOR CHILDREN/YOUNG PERSONS AND COVER ALL FACE COVERING RELATED OFFENCES	97105 (15 years old or younger not wear/carry fitted face covering)	\$40
	97104 (16 or 17 years old not wear/carry fitted face covering) CHILDREN 12 YRS & UNDER ARE EXEMPT AND CANNOT RECEIVE A PENALTY NOTICE FOR A FACE COVERING OFFENCE	\$80
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction) – Adults only	96587 (Not wear fitted face covering in retail/business premises)	\$500
	96588 (Not wear fitted face covering in licensed gaming area)	\$500
	96589 (Not wear fitted face covering in entertainment facility)	\$500
	96590 (Not wear fitted face covering in place of public worship etc)	\$500
	96591 (Not wear fitted face covering residential aged care facility)	\$500
	96592 (Not wear fitted face covering public transport waiting area)	\$500
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$500
	96594 (Not wear fitted face covering - hospitality venue worker)	\$500
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$500
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$500
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$500
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney only)	\$500
	97090 (Fail to carry face covering in Greater Sydney) - individual	\$500
96960 (Fail to comply with any other wear face covering directive) – individual	\$500	
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1,000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order not listed)	\$1,000
	97091 Employer fail to require employee to work from home (Greater Sydney) - Individual	\$2,000
	97092 Employer not allow employee to work from home (NOT Greater Sydney) – Individual	\$1,000
	97246 Enter/remain on construction site not vaccinated/tested as prescribed – individual	\$2,000
	97247 Enter/remain on construction site not have/produce prescribed evidence – individual	\$2,000
	97248 Occupier of construction site permit unlawful entry etc - individual	\$2,000

Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	895638 Fail to comply with noticed direction (other than a face covering breach) – corporation	\$5,000
	897091 Employer fail to require employee to work from home (Greater Sydney) - Corporation	\$10,000
	897092 Employer not allow employee to work from home (NOT Greater Sydney) - Corporation	\$5,000
	897248 Occupier of construction site permit unlawful entry - corporation	\$10,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	97105 (15 years old or younger not wear/carry fitted face covering)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	97104 (16 or 17 years old not wear/carry fitted face covering)	
	96587 (Not wear fitted face covering in retail/business premises)	
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	
	96591 (Not wear fitted face covering residential aged care facility)	
	96592 (Not wear fitted face covering public transport waiting area)	
	96593 (Not wear fitted face covering in public transport/taxi etc)	
	96594 (Not wear fitted face covering - hospitality venue worker)	
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	
	96953 (Not wear face covering in indoor area of non-residential premises)	
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	
	97090 (Fail to carry face covering in Greater Sydney)	
	96960 (Fail to comply with any other wear face covering directive) – individual	
	896960 (Fail to comply with any other wear face covering directive) – corporation	
	96952 Travel from Metropolitan Sydney area to place in NSW outside area	
	97091 Employer fail to require employee to work from home (Greater Sydney) – Individual or corporation	
97092 Employer not allow employee to work from home (NOT Greater Sydney) – individual or corporation		
97246 Enter/remain on construction site not vaccinated/tested as prescribed – individual		
97247 Enter/remain on construction site not		

	<p>have/produce prescribed evidence – individual</p> <p>97248 Occupier of construction site permit unlawful entry etc – individual</p> <p>897248 Occupier of construction site permit unlawful entry – corporation</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19

Delta Outbreak Restrictions (Temporary Gathering and Movement)

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* has been renamed the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*. It was amended on 12 August 2021 and expires at the beginning of 28 August 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A worker from the LGA of Canterbury Bankstown (all workers), City of Fairfield and Cumberland (aged care and health) who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- A Greater Sydney worker who enters premises for work more than 50km outside Greater Sydney must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the previous 7 days before they enter the premises for work.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation or who has left their place of residence or temporary accommodation to obtain goods or services (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.

- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An ***affected person*** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must **not**, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms from the person's home or temporary accommodation and not in a declared area. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is **not** permitted. *Different rules apply for persons from declared areas (refer to other section of this Fact Sheet)*

- work if it is not reasonably practicable to do it from home **and** if the person visits another person's home, the work is authorised. See below under heading **Authorised visitors to places of residence**
- attending childcare, including picking up or dropping off another person at childcare

- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

The above does not apply to the homeless.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine or medical facility (under the Air or Maritime Orders), or while isolating at their residence or other suitable accommodation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by private suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and

- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

From 31 July 2021, a person who lives alone in Greater Sydney may nominate visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the person's home or temporary accommodation is in a declared area and the nominated visitor's home or temporary accommodation is no more than 5km away, and
- if the person's home or temporary accommodation is not in a declared area, the nominated visitor also does not reside in 1 of the above LGAs, and
- the nominated visitor resides in Greater Sydney.

Workers in places of residence

From 31 July 2021, a worker is authorised to visit home in Greater Sydney.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- the prescribed work is necessary if the work is carried out in a declared area, OR
- the prescribed work is carried out not in a declared area, and:
 - no more than 2 workers are present (prescribed or other work).
 - no more than 5 workers are present for outdoors work (prescribed or other work)
 - only workers are in the same room together.

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or
- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person (also an “exempt person”) who has otherwise not been in Greater Sydney in the previous 14 days is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or

- (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
- (iii) for a shopping centre, selling take-away food or beverages
- (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks

- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site’s current resourcing plan from 31 July 2021 (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist, “*Construction sites in Greater Sydney*”.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under [Directions that apply to all NSW](#)

Special provisions for persons in a “declared area”

A “declared area” includes each of the following:

- Bayside
- Burwood
- Canterbury-Bankstown
- Cumberland
- City of Blacktown
- City of Campbelltown
- City of Fairfield
- City of Liverpool
- City of Parramatta
- City of Penrith comprising the following suburbs:
 - Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys.
- Georges River
- Strathfield

Face coverings – outdoors

A person must wear a fitted face covering in an outdoor area (except part of a residential premises that is not common property) in a declared area.

Note: the same exemptions apply to the wearing of face coverings like any other situation. Refer to *face coverings* in this Fact Sheet for more information.

Prohibition on leaving a declared area for work in another LGA

A person whose principal residence or temporary accommodation is in a declared area must not leave the declared area for work unless exempt. The list of authorised workers that are exempt can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>. Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

An authorised worker must carry proof of residence, as well as any relevant evidence of vaccination, testing or medical contraindication as set out under the heading “Construction sites” above if authorised to work at a construction site, and produce that evidence for inspection to a police officer on request.

Construction sites in a declared area

Construction sites in a declared area must still comply with the rules that apply to Greater Sydney under the heading “Construction sites” above.

A person who lives or has temporary accommodation in a declared area must not enter or remain on a construction site in Greater Sydney unless the person:

- (a) has had 2 doses of a COVID-19 vaccine, or
- (b) has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- (c) has had 1 dose of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- (d) has a certified medical contraindication and has been tested for COVID-19 in the 72 hours before being on site.

Note: a test for COVID-19 includes a test for COVID-19 using a rapid antigen test on a construction site in the way approved by the Chief Health Officer.

A person who lives or has temporary accommodation in a declared area and travels outside for work on a construction site must carry the required evidence and produce it to a police officer on request.

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person’s employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The ‘required evidence’ includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

Special limits on leaving home in a declared area for food, goods and services

A person who lives or has temporary accommodation in a declared area may leave their home or temporary accommodation to obtain food, goods or services if:

- the food, goods and services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
- the food, goods or services are obtained:
 - (a) within 5 kms of the home or temporary accommodation, or
 - (b) if they are not reasonably available in the 5 km radius – from another place in the declared area, or
 - (c) if they are not reasonably available in the declared area, from the closest place in Greater Sydney to the home that they are available.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

An adult must carry evidence of name and address or temporary accommodation and provides it to police on request.

Special limits on leaving home in a declared area for exercise or outdoor recreation

A person who lives or has temporary accommodation in a declared area may leave their home or temporary accommodation for exercise or outdoor recreation if:

- it is undertaken within 5 kms of the home or temporary accommodation, and
- for a person travelling in a private vehicle, no other person is in the vehicle other than a member of the person's household or the person's nominated visitor, and,
- for an adult, the person carries evidence of name and address or temporary accommodation and provides it to police on request.

Mandatory COVID-19 testing for workers from the Canterbury-Bankstown LGA at premises in another LGA

A person who lives or has temporary accommodation in the Canterbury-Bankstown LGA must not enter premises for work in an LGA outside the Canterbury-Bankstown unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 at least every 7 days. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for health and aged care workers from the LGA of City of Fairfield or Cumberland working at premises in another LGA

A person who lives or has temporary accommodation in the LGA of City of Fairfield or Cumberland, and who:

- works in a residential aged care facility, or
- provides health services within the meaning of the *Health Services Act 1997* (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner (each a "health services provider"), or
- provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)

must not enter premises for work outside of the LGA in which they live or the LGA in which they are staying in temporary accommodation unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A Greater Sydney worker is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties.

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

NOTE: Affected regional areas have special restrictions – refer to Fact Sheet 32. Where any inconsistency applies between the below and the special restrictions, the special restrictions prevail.

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises outside of Greater Sydney (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises. In Greater Sydney, the number of persons on premises must not exceed the 1 person per 4sqm rule.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**
- a construction site in Greater Sydney

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering *(safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet)*
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney
- from 30 July 2021, in an outdoor area (except part of a residential premises that is not common property) in a declared area

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. **A person must carry:**
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

The medical certificate/evidence and identification must be produced to a police officer by the person for inspection on request. A copy of the medical certificate/evidence must be given to a police officer by the person on request.)

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential

- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is working at a school that is not in Greater Sydney
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household or the person's nominated visitor.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST, WOLLONGONG & AFFECTED REGIONAL AREAS

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to:
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.

- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Child/young person fail to comply with a noticed direction in relation to section 7/8/9 – COVID-19 – Face Covering THESE PINS ARE FOR CHILDREN/YOUNG PERSONS AND COVER ALL FACE COVERING RELATED OFFENCES	97105 (15 years old or younger not wear/carry fitted face covering)	\$40
	97104 (16 or 17 years old not wear/carry fitted face covering) CHILDREN 12 YRS & UNDER ARE EXEMPT AND CANNOT RECEIVE A PENALTY NOTICE FOR A FACE COVERING OFFENCE	\$80
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction) – Adults only	96587 (Not wear fitted face covering in retail/business premises)	\$500
	96588 (Not wear fitted face covering in licensed gaming area)	\$500
	96589 (Not wear fitted face covering in entertainment facility)	\$500
	96590 (Not wear fitted face covering in place of public worship etc)	\$500
	96591 (Not wear fitted face covering residential aged care facility)	\$500
	96592 (Not wear fitted face covering public transport waiting area)	\$500
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$500
	96594 (Not wear fitted face covering - hospitality venue worker)	\$500
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$500
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$500
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$500
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney only)	\$500
	97090 (Fail to carry face covering in Greater Sydney) - individual	\$500
96960 (Fail to comply with any other wear face covering directive) – individual	\$500	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	896960 (Fail to comply with any other wear face covering directive) – corporation	\$1,000
	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order not listed)	\$1,000
	97091 Employer fail to require employee to work from home (Greater Sydney) - Individual	\$2,000
	97092 Employer not allow employee to work from home (NOT Greater Sydney) – Individual	\$1,000
	97246 Enter/remain on construction site not vaccinated/tested as prescribed – individual	\$2,000
	97247 Enter/remain on construction site not have/produce prescribed evidence – individual	\$2,000
97248 Occupier of construction site permit unlawful entry etc - individual	\$2,000	

Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	895638 Fail to comply with noticed direction (other than a face covering breach) – corporation	\$5,000
	897091 Employer fail to require employee to work from home (Greater Sydney) - Corporation	\$10,000
	897092 Employer not allow employee to work from home (NOT Greater Sydney) - Corporation	\$5,000
	897248 Occupier of construction site permit unlawful entry - corporation	\$10,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	97105 (15 years old or younger not wear/carry fitted face covering)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	97104 (16 or 17 years old not wear/carry fitted face covering)	
	96587 (Not wear fitted face covering in retail/business premises)	
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	
	96591 (Not wear fitted face covering residential aged care facility)	
	96592 (Not wear fitted face covering public transport waiting area)	
	96593 (Not wear fitted face covering in public transport/taxi etc)	
	96594 (Not wear fitted face covering - hospitality venue worker)	
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	
	96953 (Not wear face covering in indoor area of non-residential premises)	
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	
	97090 (Fail to carry face covering in Greater Sydney)	
	96960 (Fail to comply with any other wear face covering directive) – individual	
	896960 (Fail to comply with any other wear face covering directive) – corporation	
	96952 Travel from Metropolitan Sydney area to place in NSW outside area	
	97091 Employer fail to require employee to work from home (Greater Sydney) – Individual or corporation	
97092 Employer not allow employee to work from home (NOT Greater Sydney) – individual or corporation		
97246 Enter/remain on construction site not vaccinated/tested as prescribed – individual		
97247 Enter/remain on construction site not		

	<p>have/produce prescribed evidence – individual</p> <p>97248 Occupier of construction site permit unlawful entry etc – individual</p> <p>897248 Occupier of construction site permit unlawful entry – corporation</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19

Delta Outbreak Restrictions (Temporary Gathering and Movement)

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* has been renamed the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*. It was amended on 14 August 2021 and expires at the beginning of 28 August 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A Greater Sydney worker who enters premises for work more than 50km outside Greater Sydney must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the previous 7 days before they enter the premises for work.
- A worker from the LGA of Canterbury Bankstown (all workers), City of Fairfield and Cumberland (aged care and health) who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation or who has left their place of residence or temporary accommodation to obtain goods or services (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.

- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note answering questions from contact tracers

From 16 August, a person must, at the request of a contact tracer, do the following:

- answer questions or provide other information about the person's movements
- provide the person's contact details (name, and phone number or email address)
- provide true and accurate information at all times.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An ***affected person*** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must **not**, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms until the end of 15 August 2021, and no further than

5km from 16 August 2021, from the person's home or temporary accommodation and not in a declared area. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted. *Different rules apply for persons from declared areas (refer to other section of this Fact Sheet)*

- work if it is not reasonably practicable to do it from home and if the person visits another person's home, the work is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km until the end of 15 August 2021, and no further than 5km from 16 August 2021, from the person's home or accommodation if the place is in another LGA,
 - no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- from 16 August 2021, moving to a different home of the person outside of Greater Sydney but only if the movement is for work and only that person moves home, or, the movement is for the purpose of urgent maintenance or repairs or animal welfare and only 1 person moves to the home
- from 16 August 2021, inspecting a potential new home outside of Greater Sydney but only if the person genuinely intends to move to and live at the new residence as soon as practicable, or moving to a new home outside of Greater Sydney (ie no investment properties)
- from 16 August 2021, supervising or facilitating a business moving to new premises
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

The above does not apply to the homeless.

Exemption: a person who has only been in Greater Sydney in the previous 14 days while in a quarantine or medical facility (under the Air or Maritime Orders), or while isolating at their residence or other suitable accommodation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Greater Sydney subject to conditions:

- the person must travel by private suitable transport out of Greater Sydney, and
- the person must take all reasonably practicable steps to not enter any premises in Greater Sydney while leaving Greater Sydney other than Sydney Airport (if leaving Greater Sydney by air), and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in Greater Sydney, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving Greater Sydney to go to their home outside of Greater Sydney.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of Greater Sydney or to Sydney Airport to fly out.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

From 31 July 2021, a person who lives alone in Greater Sydney may nominate visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the person's home or temporary accommodation is in a declared area and the nominated visitor's home or temporary accommodation is no more than 5km away, and
- if the person's home or temporary accommodation is not in a declared area, the nominated visitor also does not reside in 1 of the above LGAs, and
- the nominated visitor resides in Greater Sydney.

Workers in places of residence

From 31 July 2021, a worker is authorised to visit home in Greater Sydney.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- For a declared area - the prescribed work is necessary, or, no more than 5 workers are present for outdoors work, OR
- For an area in Greater Sydney other than a declared area - :
 - no more than 2 workers are present (prescribed or other work).
 - no more than 5 workers are present for outdoors work (prescribed or other work)
 - only workers are in the same room together.

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or
- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home

- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of Greater Sydney and who enters Greater Sydney for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person (also an “exempt person”) who has otherwise not been in Greater Sydney in the previous 14 days is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from Greater Sydney by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves Greater Sydney as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in Greater Sydney other than where they are to receive the COVID-19 vaccine.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s

- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site’s current resourcing plan from 31 July 2021 (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist, “*Construction sites in Greater Sydney*”.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW

Special provisions for persons in a "declared area"

A "declared area" includes each of the following:

- **Bayside**
- **Burwood**
- **Canterbury-Bankstown**
- **Cumberland**
- **City of Blacktown**
- **City of Campbelltown**

- City of Fairfield
- City of Liverpool
- City of Parramatta
- City of Penrith comprising the following suburbs:
 - Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys.
- Georges River
- Strathfield

Face coverings – outdoors

A person must wear a fitted face covering in an outdoor area (except part of a residential premises that is not common property) in a declared area.

Note: the same exemptions apply to the wearing of face coverings like any other situation. Refer to *face coverings* in this Fact Sheet for more information.

Prohibition on leaving a declared area for work in another LGA

A person whose principal residence or temporary accommodation is in a declared area must not leave the declared area for work unless exempt. The list of authorised workers that are exempt can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>. Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

An authorised worker must carry proof of residence, as well as any relevant evidence of vaccination, testing or medical contraindication as set out under the heading “Construction sites” above if authorised to work at a construction site, and produce that evidence for inspection to a police officer on request.

Exemption: a person who works for the Health Services Union, the NSW Nurses and Midwives Association, the Australian Paramedic Association and the Australian Salaried Medical Officers Federation of NSW only) and who has had two doses of a COVID-19 vaccine is exempt from the above prohibition to leave a declared area and may attend the workplace where the employees the person represents work.

The person must:

- take the most practicable direct route to and from their home to the workplace
- take reasonably practicable steps to minimise physical contact with any other person while in the workplace
- participate in any staff or visitor screening processes and comply with measures to mitigate the risk of COVID-19 put in place in the workplace
- provide documentation evidence of their vaccinations while travelling to and at the workplace on request of a police officer or the person in charge of the workplace or their delegate
- seek testing for COVID-19 and self isolate while awaiting their results if the person develops any symptoms of COVID-19.

Note: an employer in Greater Sydney must require an employee to work from home unless it is not reasonably practical for the employee to work from home.

Construction sites in a declared area

Construction sites in a declared area must still comply with the rules that apply to Greater Sydney under the heading “Construction sites” above.

A person who lives or has temporary accommodation in a declared area must not enter or remain on a construction site in Greater Sydney unless the person:

- (a) has had 2 doses of a COVID-19 vaccine, or
- (b) has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- (c) has had 1 dose of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- (d) has a certified medical contraindication and has been tested for COVID-19 in the 72 hours before being on site.

Note: a test for COVID-19 includes a test for COVID-19 using a rapid antigen test on a construction site in the way approved by the Chief Health Officer.

A person who lives or has temporary accommodation in a declared area and travels outside for work on a construction site must carry the required evidence and produce it to a police officer on request.

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person’s employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The ‘required evidence’ includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

Exemption: A person who lives or stays in a declared area and is the driver of a vehicle which enters or remains on a construction site in Greater Sydney only to deliver or remove good (including but not limited to supplies, equipment, waste or spoil), and has been tested for COVID-19 in the previous 3 days and can supply evidence of their residence and the test, is exempt from the above mandatory vaccination requirements. The occupier of the construction site is also exempt from their obligations with regard to the worker’s mandatory vaccination as long as they are satisfied the worker is entitled to this exemption. This exemption expires at the beginning of 21 August 2021.

Special limits on leaving home in a declared area for food, goods and services

A person who lives or has temporary accommodation in a declared area may leave their home or temporary accommodation to obtain food, goods or services if:

- the food, goods and services are for the personal needs of the person’s household or for other household purposes, including for vulnerable persons or pets, and
- the food, goods or services are obtained:
 - (a) within 5 kms of the home or temporary accommodation, or

- (b) if they are not reasonably available in the 5 km radius – from another place in the declared area, or
- (c) if they are not reasonably available in the declared area, from the closest place in Greater Sydney to the home that they are available.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

An adult must carry evidence of name and address or temporary accommodation and provides it to police on request.

Special limits on leaving home in a declared area for exercise or supervision of a child 12 years or under

A person who lives or has temporary accommodation in a declared area may leave their home or temporary accommodation for exercise or to supervise a child 12 years or under who is exercising or at play if:

- it is undertaken within 5 kms of the home or temporary accommodation, and
- for a person travelling in a private vehicle, no other person is in the vehicle other than a member of the person's household or the person's nominated visitor, and,
- for an adult, the person carries evidence of name and address or temporary accommodation and provides it to police on request.

Mandatory COVID-19 testing for workers from the Canterbury-Bankstown LGA at premises in another LGA

A person who lives or has temporary accommodation in the Canterbury-Bankstown LGA must not enter premises for work in an LGA outside the Canterbury-Bankstown unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 at least every 7 days. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for health and aged care workers from the LGA of City of Fairfield or Cumberland working at premises in another LGA

A person who lives or has temporary accommodation in the LGA of City of Fairfield or Cumberland, and who:

- works in a residential aged care facility, or
- provides health services within the meaning of the *Health Services Act 1997* (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner (each a "health services provider"), or
- provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)

must not enter premises for work outside of the LGA in which they live or the LGA in which they are staying in temporary accommodation unless:

- the worker has been tested for COVID-19 in the 72 hours before, and

- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A Greater Sydney worker is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties.

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

NOTE: The Regional NSW Area has special restrictions from 5:00pm 14 August 2021 to the beginning of 22 August 2021 – refer to Fact Sheet 33 as well as this section during this period. Where any inconsistency applies between the below and the special restrictions, the special restrictions prevail.

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises outside of Greater Sydney (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises. In Greater Sydney, the number of persons on premises must not exceed the 1 person per 4sqm rule.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**
- a construction site in Greater Sydney

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)

- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (*safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet*)
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney
- from 30 July 2021, in an outdoor area (except part of a residential premises that is not common property) in a declared area

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. **A person must carry:**
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

The medical certificate/evidence and identification must be produced to a police officer by the person for inspection on request. A copy of the medical certificate/evidence must be given to a police officer by the person on request.)

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility

- the person is a student at a school
- the person is working at a school that is not in Greater Sydney
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household or the person's nominated visitor.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST, WOLLONGONG & AFFECTED REGIONAL AREAS

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to:
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.

- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Child/young person fail to comply with a noticed direction in relation to section 7/8/9 – COVID-19 – Face Covering THESE PINS ARE FOR CHILDREN/YOUNG PERSONS AND COVER ALL FACE COVERING RELATED OFFENCES	97105 (15 years old or younger not wear/carry fitted face covering)	\$40
	97104 (16 or 17 years old not wear/carry fitted face covering) CHILDREN 12 YRS & UNDER ARE EXEMPT AND CANNOT RECEIVE A PENALTY NOTICE FOR A FACE COVERING OFFENCE	\$80
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction) – Adults only	96587 (Not wear fitted face covering in retail/business premises)	\$500
	96588 (Not wear fitted face covering in licensed gaming area)	\$500
	96589 (Not wear fitted face covering in entertainment facility)	\$500
	96590 (Not wear fitted face covering in place of public worship etc)	\$500
	96591 (Not wear fitted face covering residential aged care facility)	\$500
	96592 (Not wear fitted face covering public transport waiting area)	\$500
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$500
	96594 (Not wear fitted face covering - hospitality venue worker)	\$500
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$500
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$500
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$500
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney only)	\$500
	97090 (Fail to carry face covering in Greater Sydney) - individual	\$500
96960 (Fail to comply with any other wear face covering directive) – individual	\$500	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	896960 (Fail to comply with any other wear face covering directive) – corporation	\$1,000
	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order not listed)	\$1,000
	97091 Employer fail to require employee to work from home (Greater Sydney) - Individual	\$2,000
	97092 Employer not allow employee to work from home (NOT Greater Sydney) – Individual	\$1,000
	97246 Enter/remain on construction site not vaccinated/tested as prescribed – individual	\$2,000
	97247 Enter/remain on construction site not have/produce prescribed evidence – individual	\$2,000
97248 Occupier of construction site permit unlawful entry etc - individual	\$2,000	

Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	895638 Fail to comply with noticed direction (other than a face covering breach) – corporation	\$5,000
	897091 Employer fail to require employee to work from home (Greater Sydney) - Corporation	\$10,000
	897092 Employer not allow employee to work from home (NOT Greater Sydney) - Corporation	\$5,000
	897248 Occupier of construction site permit unlawful entry - corporation	\$10,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	97105 (15 years old or younger not wear/carry fitted face covering)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	97104 (16 or 17 years old not wear/carry fitted face covering)	
	96587 (Not wear fitted face covering in retail/business premises)	
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	
	96591 (Not wear fitted face covering residential aged care facility)	
	96592 (Not wear fitted face covering public transport waiting area)	
	96593 (Not wear fitted face covering in public transport/taxi etc)	
	96594 (Not wear fitted face covering - hospitality venue worker)	
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	
	96953 (Not wear face covering in indoor area of non-residential premises)	
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	
	97090 (Fail to carry face covering in Greater Sydney)	
	96960 (Fail to comply with any other wear face covering directive) – individual	
	896960 (Fail to comply with any other wear face covering directive) – corporation	
	96952 Travel from Metropolitan Sydney area to place in NSW outside area	
	97091 Employer fail to require employee to work from home (Greater Sydney) – Individual or corporation	
97092 Employer not allow employee to work from home (NOT Greater Sydney) – individual or corporation		
97246 Enter/remain on construction site not vaccinated/tested as prescribed – individual		
97247 Enter/remain on construction site not		

	<p>have/produce prescribed evidence – individual</p> <p>97248 Occupier of construction site permit unlawful entry etc – individual</p> <p>897248 Occupier of construction site permit unlawful entry – corporation</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19

Delta Outbreak Restrictions (Temporary Gathering and Movement)

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* has been renamed the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*. It was amended on 14 August 2021 and expires at the beginning of 28 August 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A Greater Sydney worker who enters premises for work more than 50km outside Greater Sydney must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the previous 7 days before they enter the premises for work.
- A worker from the LGA of Canterbury Bankstown (all workers), City of Fairfield and Cumberland (aged care and health) who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation or who has left their place of residence or temporary accommodation to obtain goods or services (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.

- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note answering questions from contact tracers

From 16 August, a person must, at the request of a contact tracer, do the following:

- answer questions or provide other information about the person's movements
- provide the person's contact details (name, and phone number or email address)
- provide true and accurate information at all times.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An ***affected person*** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must **not**, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms until the end of 15 August 2021, and no further than

5km from 16 August 2021, from the person's home or temporary accommodation and not in a declared area. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted. *Different rules apply for persons from declared areas (refer to other section of this Fact Sheet)*

- work if it is not reasonably practicable to do it from home and if the person visits another person's home, the work is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km until the end of 15 August 2021, and no further than 5km from 16 August 2021, from the person's home or accommodation if the place is in another LGA,
 - no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- from 16 August 2021, moving to a different home of the person outside of Greater Sydney but only if the movement is for work and only that person moves home, or, the movement is for the purpose of urgent maintenance or repairs or animal welfare and only 1 person moves to the home
- from 16 August 2021, inspecting a potential new home outside of Greater Sydney but only if the person genuinely intends to move to and live at the new residence as soon as practicable, or moving to a new home outside of Greater Sydney (ie no investment properties)
- from 16 August 2021, supervising or facilitating a business moving to new premises
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

The above does not apply to the homeless.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

From 31 July 2021, a person who lives alone in Greater Sydney may nominate visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the person's home or temporary accommodation is in a declared area and the nominated visitor's home or temporary accommodation is no more than 5km away, and
- if the person's home or temporary accommodation is not in a declared area, the nominated visitor also does not reside in 1 of the above LGAs, and
- the nominated visitor resides in Greater Sydney.

Workers in places of residence

From 31 July 2021, a worker is authorised to visit home in Greater Sydney.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- For a declared area - the prescribed work is necessary, or, no more than 5 workers are present for outdoors work, **OR**
- For an area in Greater Sydney other than a declared area - :
 - no more than 2 workers are present (prescribed or other work).
 - no more than 5 workers are present for outdoors work (prescribed or other work)
 - only workers are in the same room together.

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or
- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:

- (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site's current resourcing plan from 31 July 2021 (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist, "*Construction sites in Greater Sydney*".

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required

in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW

Special provisions for persons in a “declared area”

A “declared area” includes each of the following:

- Bayside
- Burwood
- Canterbury-Bankstown
- Cumberland
- City of Blacktown
- City of Campbelltown
- City of Fairfield
- City of Liverpool
- City of Parramatta
- City of Penrith comprising the following suburbs:
 - Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys.
- Georges River
- Strathfield

Face coverings – outdoors

A person must wear a fitted face covering in an outdoor area (except part of a residential premises that is not common property) in a declared area.

Note: the same exemptions apply to the wearing of face coverings like any other situation. Refer to *face coverings* in this Fact Sheet for more information.

Prohibition on leaving a declared area for work in another LGA

A person whose principal residence or temporary accommodation is in a declared area must not leave the declared area for work unless exempt. The list of authorised workers that are exempt can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>. Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

An authorised worker must carry proof of residence, as well as any relevant evidence of vaccination, testing or medical contraindication as set out under the heading “Construction sites” above if authorised to work at a construction site, and produce that evidence for inspection to a police officer on request.

Exemption: a person who works for the Health Services Union, the NSW Nurses and Midwives Association, the Australian Paramedic Association and the Australian Salaried Medical Officers Federation of NSW only) and who has had two doses of a COVID-19 vaccine is exempt from the above prohibition to leave a declared area and may attend the workplace where the employees the person represents work.

The person must:

- take the most practicable direct route to and from their home to the workplace
- take reasonably practicable steps to minimise physical contact with any other person while in the workplace
- participate in any staff or visitor screening processes and comply with measures to mitigate the risk of COVID-19 put in place in the workplace
- provide documentation evidence of their vaccinations while travelling to and at the workplace on request of a police officer or the person in charge of the workplace or their delegate
- seek testing for COVID-19 and self isolate while awaiting their results if the person develops any symptoms of COVID-19.

Note: an employer in Greater Sydney must require an employee to work from home unless it is not reasonably practical for the employee to work from home.

Construction sites in a declared area

Construction sites in a declared area must still comply with the rules that apply to Greater Sydney under the heading “Construction sites” above.

A person who lives or has temporary accommodation in a declared area must not enter or remain on a construction site in Greater Sydney unless the person:

- (a) has had 2 doses of a COVID-19 vaccine, or
- (b) has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- (c) has had 1 dose of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- (d) has a certified medical contraindication and has been tested for COVID-19 in the 72 hours before being on site.

Note: a test for COVID-19 includes a test for COVID-19 using a rapid antigen test on a construction site in the way approved by the Chief Health Officer.

A person who lives or has temporary accommodation in a declared area and travels outside for work on a construction site must carry the required evidence and produce it to a police officer on request.

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person’s employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The ‘required evidence’ includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has

had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

Exemption: A person who lives or stays in a declared area and is the driver of a vehicle which enters or remains on a construction site in Greater Sydney only to deliver or remove good (including but not limited to supplies, equipment, waste or spoil), and has been tested for COVID-19 in the previous 3 days and can supply evidence of their residence and the test, is exempt from the above mandatory vaccination requirements. The occupier of the construction site is also exempt from their obligations with regard to the worker's mandatory vaccination as long as they are satisfied the worker is entitled to this exemption. This exemption expires at the beginning of 21 August 2021.

Special limits on leaving home in a declared area for food, goods and services

A person who lives or has temporary accommodation in a declared area may leave their home or temporary accommodation to obtain food, goods or services if:

- the food, goods and services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
- the food, goods or services are obtained:
 - (a) within 5 kms of the home or temporary accommodation, or
 - (b) if they are not reasonably available in the 5 km radius – from another place in the declared area, or
 - (c) if they are not reasonably available in the declared area, from the closest place in Greater Sydney to the home that they are available.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

An adult must carry evidence of name and address or temporary accommodation and provides it to police on request.

Special limits on leaving home in a declared area for exercise or supervision of a child 12 years or under

A person who lives or has temporary accommodation in a declared area may leave their home or temporary accommodation for exercise or to supervise a child 12 years or under who is exercising or at play if:

- it is undertaken within 5 kms of the home or temporary accommodation, and
- for a person travelling in a private vehicle, no other person is in the vehicle other than a member of the person's household or the person's nominated visitor, and,
- for an adult, the person carries evidence of name and address or temporary accommodation and provides it to police on request.

Mandatory COVID-19 testing for workers from the Canterbury-Bankstown LGA at premises in another LGA

A person who lives or has temporary accommodation in the Canterbury-Bankstown LGA must not enter premises for work in an LGA outside the Canterbury-Bankstown unless:

- the worker has been tested for COVID-19 in the 72 hours before, and

- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 at least every 7 days. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for health and aged care workers from the LGA of City of Fairfield or Cumberland working at premises in another LGA

A person who lives or has temporary accommodation in the LGA of City of Fairfield or Cumberland, and who:

- works in a residential aged care facility, or
- provides health services within the meaning of the *Health Services Act 1997* (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner (each a "health services provider"), or
- provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)

must not enter premises for work outside of the LGA in which they live or the LGA in which they are staying in temporary accommodation unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A Greater Sydney worker is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties.

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

NOTE: The Regional NSW Area has special restrictions from 5:00pm 14 August 2021 to the beginning of 22 August 2021 – refer to Fact Sheet 33 as well as this section during this period. Where any inconsistency applies between the below and the special restrictions, the special restrictions prevail.

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises outside of Greater Sydney (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises. In Greater Sydney, the number of persons on premises must not exceed the 1 person per 4sqm rule.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**
- a construction site in Greater Sydney

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or

- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.

A **nightclub** means premises that are 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.

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (*safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet*)
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney
- from 30 July 2021, in an outdoor area (except part of a residential premises that is not common property) in a declared area

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. **A person must carry:**
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

The medical certificate/evidence and identification must be produced to a police officer by the person for inspection on request. A copy of the medical certificate/evidence must be given to a police officer by the person on request.)

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is working at a school that is not in Greater Sydney
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household or the person's nominated visitor.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST, WOLLONGONG & AFFECTED REGIONAL AREAS

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to:
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
<p>Child/young person fail to comply with a noticed direction in relation to section 7/8/9 – COVID-19 – Face Covering</p> <p>THESE PINS ARE FOR CHILDREN/YOUNG PERSONS AND COVER ALL FACE COVERING RELATED OFFENCES</p>	97105 (15 years old or younger not wear/carry fitted face covering)	\$40
	<p>97104 (16 or 17 years old not wear/carry fitted face covering)</p> <p>CHILDREN 12 YRS & UNDER ARE EXEMPT AND CANNOT RECEIVE A PENALTY NOTICE FOR A FACE COVERING OFFENCE</p>	\$80
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction) – Adults only</p>	96587 (Not wear fitted face covering in retail/business premises)	\$500
	96588 (Not wear fitted face covering in licensed gaming area)	\$500
	96589 (Not wear fitted face covering in entertainment facility)	\$500
	96590 (Not wear fitted face covering in place of public worship etc)	\$500
	96591 (Not wear fitted face covering residential aged care facility)	\$500
	96592 (Not wear fitted face covering public transport waiting area)	\$500
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$500
	96594 (Not wear fitted face covering - hospitality venue worker)	\$500
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$500
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$500
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$500
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney only)	\$500
	97090 (Fail to carry face covering in Greater Sydney) - individual	\$500
96960 (Fail to comply with any other wear face covering directive) – individual	\$500	
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1,000	
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)</p>	<p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order not listed)</p>	\$1,000
	97091 Employer fail to require employee to work from home (Greater Sydney) - Individual	\$2,000
	97092 Employer not allow employee to work from home (NOT Greater Sydney) – Individual	\$1,000
	97246 Enter/remain on construction site not vaccinated/tested as prescribed – individual	\$2,000
	97247 Enter/remain on construction site not have/produce prescribed evidence – individual	\$2,000
	97248 Occupier of construction site permit unlawful entry etc - individual	\$2,000

Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	895638 Fail to comply with noticed direction (other than a face covering breach) – corporation	\$5,000
	897091 Employer fail to require employee to work from home (Greater Sydney) - Corporation	\$10,000
	897092 Employer not allow employee to work from home (NOT Greater Sydney) - Corporation	\$5,000
	897248 Occupier of construction site permit unlawful entry - corporation	\$10,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	97105 (15 years old or younger not wear/carry fitted face covering)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	97104 (16 or 17 years old not wear/carry fitted face covering)	
	96587 (Not wear fitted face covering in retail/business premises)	
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	
	96591 (Not wear fitted face covering residential aged care facility)	
	96592 (Not wear fitted face covering public transport waiting area)	
	96593 (Not wear fitted face covering in public transport/taxi etc)	
	96594 (Not wear fitted face covering - hospitality venue worker)	
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	
	96953 (Not wear face covering in indoor area of non-residential premises)	
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	
	97090 (Fail to carry face covering in Greater Sydney)	
	96960 (Fail to comply with any other wear face covering directive) – individual	
	896960 (Fail to comply with any other wear face covering directive) – corporation	
	96952 Travel from Metropolitan Sydney area to place in NSW outside area	
	97091 Employer fail to require employee to work from home (Greater Sydney) – Individual or corporation	
97092 Employer not allow employee to work from home (NOT Greater Sydney) – individual or corporation		
97246 Enter/remain on construction site not vaccinated/tested as prescribed – individual		
97247 Enter/remain on construction site not		

	<p>have/produce prescribed evidence – individual</p> <p>97248 Occupier of construction site permit unlawful entry etc – individual</p> <p>897248 Occupier of construction site permit unlawful entry – corporation</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19

Delta Outbreak Restrictions (Temporary Gathering and Movement)

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* has been renamed the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*. It was amended on 14 August 2021 and expires at the beginning of 28 August 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A Greater Sydney worker who enters premises for work more than 50km outside Greater Sydney must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the previous 7 days before they enter the premises for work.
- A worker from the LGA of Canterbury Bankstown (all workers), City of Fairfield and Cumberland (aged care and health) who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation or who has left their place of residence or temporary accommodation to obtain goods or services (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.

- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note answering questions from contact tracers

From 16 August, a person must, at the request of a contact tracer, do the following:

- answer questions or provide other information about the person's movements
- provide the person's contact details (name, and phone number or email address)
- provide true and accurate information at all times.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An **affected person** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms until the end of 15 August 2021, and no further than

5km from 16 August 2021, from the person's home or temporary accommodation and not in a declared area. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted. *Different rules apply for persons from declared areas (refer to other section of this Fact Sheet)*

- work if it is not reasonably practicable to do it from home and if the person visits another person's home, the work is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km until the end of 15 August 2021, and no further than 5km from 16 August 2021, from the person's home or accommodation if the place is in another LGA,
 - no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- from 16 August 2021, moving to a different home of the person outside of Greater Sydney but only if the movement is for work and only that person moves home, or, the movement is for the purpose of urgent maintenance or repairs or animal welfare and only 1 person moves to the home
- from 16 August 2021, inspecting a potential new home outside of Greater Sydney but only if the person genuinely intends to move to and live at the new residence as soon as practicable, or moving to a new home outside of Greater Sydney (ie no investment properties)
- from 16 August 2021, supervising or facilitating a business moving to new premises
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

The above does not apply to the homeless.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

From 31 July 2021, a person who lives alone in Greater Sydney may nominate visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the person's home or temporary accommodation is in a declared area and the nominated visitor's home or temporary accommodation is no more than 5km away, and
- if the person's home or temporary accommodation is not in a declared area, the nominated visitor also does not reside in 1 of the above LGAs, and
- the nominated visitor resides in Greater Sydney.

Workers in places of residence

From 31 July 2021, a worker is authorised to visit home in Greater Sydney.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- For a declared area - the prescribed work is necessary, or, no more than 5 workers are present for outdoors work, **OR**
- For an area in Greater Sydney other than a declared area - :
 - no more than 2 workers are present (prescribed or other work).
 - no more than 5 workers are present for outdoors work (prescribed or other work)
 - only workers are in the same room together.

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or
- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:

- (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site's current resourcing plan from 31 July 2021 (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist, "*Construction sites in Greater Sydney*".

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of occupants 16 years and over under authority of cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household or the person's nominated visitor.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW

Special provisions for persons in a "declared area"

A "declared area" includes each of the following:

- **Bayside**
- **Burwood**
- **Canterbury-Bankstown**
- **Cumberland**
- **City of Blacktown**
- **City of Campbelltown**
- **City of Fairfield**
- **City of Liverpool**
- **City of Parramatta**
- **City of Penrith comprising the following suburbs:**
 - **Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys.**
- **Georges River**
- **Strathfield**

Face coverings – outdoors

A person must wear a fitted face covering in an outdoor area (except part of a residential premises that is not common property) in a declared area.

Note: the same exemptions apply to the wearing of face coverings like any other situation. Refer to *face coverings* in this Fact Sheet for more information.

Prohibition on leaving a declared area for work in another LGA

A person whose principal residence or temporary accommodation is in a declared area must not leave the declared area for work unless exempt. The list of authorised workers that are exempt

can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>. Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

An authorised worker must carry proof of residence, as well as any relevant evidence of vaccination, testing or medical contraindication as set out under the heading “Construction sites” above if authorised to work at a construction site, and produce that evidence for inspection to a police officer on request.

Exemption: a person who works for the Health Services Union, the NSW Nurses and Midwives Association, the Australian Paramedic Association and the Australian Salaried Medical Officers Federation of NSW only) and who has had two doses of a COVID-19 vaccine is exempt from the above prohibition to leave a declared area and may attend the workplace where the employees the person represents work.

The person must:

- take the most practicable direct route to and from their home to the workplace
- take reasonably practicable steps to minimise physical contact with any other person while in the workplace
- participate in any staff or visitor screening processes and comply with measures to mitigate the risk of COVID-19 put in place in the workplace
- provide documentation evidence of their vaccinations while travelling to and at the workplace on request of a police officer or the person in charge of the workplace or their delegate
- seek testing for COVID-19 and self isolate while awaiting their results if the person develops any symptoms of COVID-19.

Note: an employer in Greater Sydney must require an employee to work from home unless it is not reasonably practical for the employee to work from home.

Construction sites in a declared area

Construction sites in a declared area must still comply with the rules that apply to Greater Sydney under the heading “Construction sites” above.

A person who lives or has temporary accommodation in a declared area must not enter or remain on a construction site in Greater Sydney unless the person:

- (a) has had 2 doses of a COVID-19 vaccine, or
- (b) has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- (c) has had 1 dose of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- (d) has a certified medical contraindication and has been tested for COVID-19 in the 72 hours before being on site.

Note: a test for COVID-19 includes a test for COVID-19 using a rapid antigen test on a construction site in the way approved by the Chief Health Officer.

A person who lives or has temporary accommodation in a declared area and travels outside for work on a construction site must carry the required evidence and produce it to a police officer on request.

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person’s employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The 'required evidence' includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

Exemption: A person who lives or stays in a declared area and is the driver of a vehicle which enters or remains on a construction site in Greater Sydney only to deliver or remove good (including but not limited to supplies, equipment, waste or spoil), and has been tested for COVID-19 in the previous 3 days and can supply evidence of their residence and the test, is exempt from the above mandatory vaccination requirements. The occupier of the construction site is also exempt from their obligations with regard to the worker's mandatory vaccination as long as they are satisfied the worker is entitled to this exemption. This exemption expires at the beginning of 21 August 2021.

Special limits on leaving home in a declared area for food, goods and services

A person who lives or has temporary accommodation in a declared area may leave their home or temporary accommodation to obtain food, goods or services if:

- the food, goods and services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
- the food, goods or services are obtained:
 - (a) within 5 kms of the home or temporary accommodation, or
 - (b) if they are not reasonably available in the 5 km radius – from another place in the declared area, or
 - (c) if they are not reasonably available in the declared area, from the closest place in Greater Sydney to the home that they are available.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

An adult must carry evidence of name and address or temporary accommodation and provides it to police on request.

Special limits on leaving home in a declared area for exercise or supervision of a child 12 years or under

A person who lives or has temporary accommodation in a declared area may leave their home or temporary accommodation for exercise or to supervise a child 12 years or under who is exercising or at play if:

- it is undertaken within 5 kms of the home or temporary accommodation, and
- for a person travelling in a private vehicle, no other person is in the vehicle other than a member of the person's household or the person's nominated visitor, and,
- for an adult, the person carries evidence of name and address or temporary accommodation and provides it to police on request.

Mandatory COVID-19 testing for workers from the Canterbury-Bankstown LGA at premises in another LGA

A person who lives or has temporary accommodation in the Canterbury-Bankstown LGA must not enter premises for work in an LGA outside the Canterbury-Bankstown unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 at least every 7 days. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for health and aged care workers from the LGA of City of Fairfield or Cumberland working at premises in another LGA

A person who lives or has temporary accommodation in the LGA of City of Fairfield or Cumberland, and who:

- works in a residential aged care facility, or
- provides health services within the meaning of the *Health Services Act 1997* (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner (each a "health services provider"), or
- provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)

must not enter premises for work outside of the LGA in which they live or the LGA in which they are staying in temporary accommodation unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A **Greater Sydney worker** is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties.

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

NOTE: The Regional NSW Area has special restrictions from 5:00pm 14 August 2021 to the beginning of 22 August 2021 – refer to Fact Sheet 33 as well as this section during this period. Where any inconsistency applies between the below and the special restrictions, the special restrictions prevail.

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit

an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises outside of Greater Sydney (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises. In Greater Sydney, the number of persons on premises must not exceed the 1 person per 4sqm rule.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**
- a construction site in Greater Sydney

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.

A **nightclub** means premises that are 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.

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet)
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney
- from 30 July 2021, in an outdoor area (except part of a residential premises that is not common property) in a declared area

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. **A person must carry:**
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

The medical certificate/evidence and identification must be produced to a police officer by the person for inspection on request. A copy of the medical certificate/evidence must be given to a police officer by the person on request.)

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is working at a school that is not in Greater Sydney
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household or the person's nominated visitor.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST, WOLLONGONG & AFFECTED REGIONAL AREAS

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to:
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
<p>Child/young person fail to comply with a noticed direction in relation to section 7/8/9 – COVID-19 – Face Covering</p> <p>FACE COVERING OFFENCES – CHILDREN</p>	<p>97105 (15 years old or younger not wear/carry fitted face covering) Reg Code HZZ</p>	\$40
	<p>97104 (16 or 17 years old not wear/carry fitted face covering) Reg Code PUW</p> <p>CHILDREN 12 YRS & UNDER ARE EXEMPT AND CANNOT RECEIVE A PENALTY NOTICE FOR A FACE COVERING OFFENCE</p>	\$80
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)</p> <p>FACE COVERING OFFENCES - ADULTS</p>	<p>96587 (Not wear fitted face covering in retail/business premises) Reg Code YLL</p>	\$500
	<p>96588 (Not wear fitted face covering in licensed gaming area) Reg Code EIJ</p>	\$500
	<p>96589 (Not wear fitted face covering in entertainment facility) Reg Code QLU</p>	\$500
	<p>96590 (Not wear fitted face covering in place of public worship etc) Reg Code CRL</p>	\$500
	<p>96591 (Not wear fitted face covering residential aged care facility) Reg Code OXS</p>	\$500
	<p>96592 (Not wear fitted face covering public transport waiting area) Reg Code FIQ</p>	\$500
	<p>96593 (Not wear fitted face covering in public transport/taxi etc) Reg Code XFT</p>	\$500
	<p>96594 (Not wear fitted face covering - hospitality venue worker) Reg Code SBR</p>	\$500
	<p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual) Reg Code WAN</p>	\$1,000
	<p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation) Reg Code EJO</p>	\$5,000
	<p>96953 (Not wear face covering in indoor area of non-residential premises) Reg Code OPI</p>	\$500
	<p>96954 (Not wear fitted face covering in prescribed outdoor gathering) Reg Code HSY</p>	\$500
	<p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney which incl Affected Regional Area) Reg Code MME</p>	\$500
<p>96960 (Fail to comply with any other wear face covering directive) – individual Reg Code GYJ</p>	\$500	

<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)</p> <p style="text-align: center;">OTHER BREACHES – INDIVIDUALS</p>	<p>97265 - Not comply with outdoor public gatherings direction New Reg Code DFZ</p> <p>97266 – Fail to comply with contact tracer requirements New Reg Code ECV</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order) Reg Code ZZE</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) – Individual Reg Code OJG</p> <p>97246 - Enter/remain on construction site not vaccinated/tested as prescribed – individual Reg Code EUG</p> <p>97247 - Enter/remain on construction site not have/produce prescribed evidence – individual Reg Code XXT</p> <p>97248 - Occupier of construction site permit unlawful entry etc – individual Reg Code PXP</p>	<p>\$3,000</p> <p>\$5,000</p> <p>\$1,000</p> <p>\$2,000</p> <p>\$2,000</p> <p>\$2,000</p> <p>\$2,000</p>
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation</p> <p style="text-align: center;">OTHER BREACHES – CORPORATIONS</p>	<p>895638 Fail to comply with noticed direction (other than a face covering breach) – corporation Reg Code YUW</p> <p>897091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) – Corporation Reg Code IIX</p> <p>897248 Occupier of construction site permit unlawful entry – corporation Reg Code TKY</p>	<p>\$5,000</p> <p>\$10,000</p> <p>\$10,000</p>
<p style="text-align: center;">COURT ATTENDANCE NOTICE</p>	<p style="text-align: center;">Law Part Code</p>	<p style="text-align: center;">Penalty</p>
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)</p> <p style="text-align: center;">ALL OFFENCES – INDIVIDUALS & CORPORATIONS</p> <p style="text-align: center;">COURT ATTENDANCE NOTICE</p>	<p>97105 (15 years old or younger not wear/carry fitted face covering)</p> <p>97104 (16 or 17 years old not wear/carry fitted face covering)</p> <p>96587 (Not wear fitted face covering in retail/business premises)</p> <p>96588 (Not wear fitted face covering in licensed gaming area)</p> <p>96589 (Not wear fitted face covering in entertainment facility)</p> <p>96590 (Not wear fitted face covering in place of public worship etc)</p> <p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p>	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

	<p>96595 (Operator not ensure hospitality workers wear fitted face coverings – individual or corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney or an Affected Regional Area)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual or corporation</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) - Individual</p> <p>97265 - Not comply with outdoor public gatherings direction New</p> <p>97266 – Fail to comply with contact tracer requirements New</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) (this is the offence for any other breach of this Order)</p>	
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Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19

Delta Outbreak Restrictions (Temporary Gathering and Movement)

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* has been renamed the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*. It was amended on 14 August 2021 and expires at the beginning of 28 August 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A Greater Sydney worker who enters premises for work more than 50km outside Greater Sydney must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the previous 7 days before they enter the premises for work.
- A worker from the LGA of Canterbury Bankstown (all workers), City of Fairfield and Cumberland (aged care and health) who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation or who has left their place of residence or temporary accommodation to obtain goods or services (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.

- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note answering questions from contact tracers

From 16 August, a person must, at the request of a contact tracer, do the following:

- answer questions or provide other information about the person's movements
- provide the person's contact details (name, and phone number or email address)
- provide true and accurate information at all times.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An ***affected person*** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must **not**, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms until the end of 15 August 2021, and no further than

5km from 16 August 2021, from the person's home or temporary accommodation and not in a declared area. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted. *Different rules apply for persons from declared areas (refer to other section of this Fact Sheet)*

- work if it is not reasonably practicable to do it from home and if the person visits another person's home, the work is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km until the end of 15 August 2021, and no further than 5km from 16 August 2021, from the person's home or accommodation if the place is in another LGA,
 - no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- from 16 August 2021, moving to a different home of the person outside of Greater Sydney but only if the movement is for work and only that person moves home, or, the movement is for the purpose of urgent maintenance or repairs or animal welfare and only 1 person moves to the home
- from 16 August 2021, inspecting a potential new home outside of Greater Sydney but only if the person genuinely intends to move to and live at the new residence as soon as practicable, or moving to a new home outside of Greater Sydney (ie no investment properties)
- from 16 August 2021, supervising or facilitating a business moving to new premises
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation
- for the purposes of feeding and attending to animals but only if no other person is reasonably available to care for the animals, and subject to the following conditions:
 - (i) the person must take the most practicable direct route to and from their residence and the location at which the animals are kept, and

- (ii) the person must only remain at the location at which the animals are kept for the minimum period required to feed and attend to those animals.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

The above does not apply to the homeless.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

From 31 July 2021, a person who lives alone in Greater Sydney may nominate visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the person's home or temporary accommodation is in a declared area and the nominated visitor's home or temporary accommodation is no more than 5km away, and
- if the person's home or temporary accommodation is not in a declared area, the nominated visitor also does not reside in 1 of the above LGAs, and

- the nominated visitor resides in Greater Sydney.

Workers in places of residence

From 31 July 2021, a worker is authorised to visit home in Greater Sydney.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- For a declared area - the prescribed work is necessary, or, no more than 5 workers are present for outdoors work, **OR**
- For an area in Greater Sydney other than a declared area - :
 - no more than 2 workers are present (prescribed or other work).
 - no more than 5 workers are present for outdoors work (prescribed or other work)
 - only workers are in the same room together.

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or
- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together

- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres

- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards

- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site’s current resourcing plan from 31 July 2021 (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist, “*Construction sites in Greater Sydney*”.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and

- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of occupants 16 years and over under authority of cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household or the person's nominated visitor.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW

Special provisions for persons in a "declared area"

A "declared area" includes each of the following:

- **Bayside**
- **Burwood**
- **Canterbury-Bankstown**
- **Cumberland**
- **City of Blacktown**
- **City of Campbelltown**
- **City of Fairfield**
- **City of Liverpool**
- **City of Parramatta**
- **City of Penrith comprising the following suburbs:**
 - **Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys.**
- **Georges River**
- **Strathfield**

Face coverings – outdoors

A person must wear a fitted face covering in an outdoor area (except part of a residential premises that is not common property) in a declared area.

Note: the same exemptions apply to the wearing of face coverings like any other situation. Refer to *face coverings* in this Fact Sheet for more information.

Prohibition on leaving a declared area for work in another LGA

A person whose principal residence or temporary accommodation is in a declared area must not leave the declared area for work unless exempt. The list of authorised workers that are exempt can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>. Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

An authorised worker must carry proof of residence, as well as any relevant evidence of vaccination, testing or medical contraindication as set out under the heading “Construction sites” above if authorised to work at a construction site, and produce that evidence for inspection to a police officer on request.

Exemption: a person who works for the Health Services Union, the NSW Nurses and Midwives Association, the Australian Paramedic Association and the Australian Salaried Medical Officers Federation of NSW only) and who has had two doses of a COVID-19 vaccine is exempt from the above prohibition to leave a declared area and may attend the workplace where the employees the person represents work.

The person must:

- take the most practicable direct route to and from their home to the workplace
- take reasonably practicable steps to minimise physical contact with any other person while in the workplace
- participate in any staff or visitor screening processes and comply with measures to mitigate the risk of COVID-19 put in place in the workplace
- provide documentation evidence of their vaccinations while travelling to and at the workplace on request of a police officer or the person in charge of the workplace or their delegate
- seek testing for COVID-19 and self isolate while awaiting their results if the person develops any symptoms of COVID-19.

Note: an employer in Greater Sydney must require an employee to work from home unless it is not reasonably practical for the employee to work from home.

Construction sites in a declared area

Construction sites in a declared area must still comply with the rules that apply to Greater Sydney under the heading “Construction sites” above.

A person who lives or has temporary accommodation in a declared area must not enter or remain on a construction site in Greater Sydney unless the person:

- (a) has had 2 doses of a COVID-19 vaccine, or
- (b) has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- (c) has had 1 dose of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- (d) has a certified medical contraindication and has been tested for COVID-19 in the 72 hours before being on site.

Note: a test for COVID-19 includes a test for COVID-19 using a rapid antigen test on a construction site in the way approved by the Chief Health Officer.

A person who lives or has temporary accommodation in a declared area and travels outside for work on a construction site must carry the required evidence and produce it to a police officer on request.

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person's employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The 'required evidence' includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

Exemption: A person who lives or stays in a declared area and is the driver of a vehicle which enters or remains on a construction site in Greater Sydney only to deliver or remove good (including but not limited to supplies, equipment, waste or spoil), and has been tested for COVID-19 in the previous 3 days and can supply evidence of their residence and the test, is exempt from the above mandatory vaccination requirements. The occupier of the construction site is also exempt from their obligations with regard to the worker's mandatory vaccination as long as they are satisfied the worker is entitled to this exemption. This exemption expires at the beginning of 21 August 2021.

Special limits on leaving home in a declared area for food, goods and services

A person who lives or has temporary accommodation in a declared area may leave their home or temporary accommodation to obtain food, goods or services if:

- the food, goods and services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
- the food, goods or services are obtained:
 - (a) within 5 kms of the home or temporary accommodation, or
 - (b) if they are not reasonably available in the 5 km radius – from another place in the declared area, or
 - (c) if they are not reasonably available in the declared area, from the closest place in Greater Sydney to the home that they are available.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

An adult must carry evidence of name and address or temporary accommodation and provides it to police on request.

Special limits on leaving home in a declared area for exercise or supervision of a child 12 years or under

A person who lives or has temporary accommodation in a declared area may leave their home or temporary accommodation for exercise or to supervise a child 12 years or under who is exercising or at play if:

- it is undertaken within 5 kms of the home or temporary accommodation, and
- for a person travelling in a private vehicle, no other person is in the vehicle other than a member of the person's household or the person's nominated visitor, and,

- for an adult, the person carries evidence of name and address or temporary accommodation and provides it to police on request.

Mandatory COVID-19 testing for workers from the Canterbury-Bankstown LGA at premises in another LGA

A person who lives or has temporary accommodation in the Canterbury-Bankstown LGA must not enter premises for work in an LGA outside the Canterbury-Bankstown unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 at least every 7 days. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for health and aged care workers from the LGA of City of Fairfield or Cumberland working at premises in another LGA

A person who lives or has temporary accommodation in the LGA of City of Fairfield or Cumberland, and who:

- works in a residential aged care facility, or
- provides health services within the meaning of the *Health Services Act 1997* (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner (each a "health services provider"), or
- provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)

must not enter premises for work outside of the LGA in which they live or the LGA in which they are staying in temporary accommodation unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A Greater Sydney worker is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and

- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties.

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

NOTE: The Regional NSW Area has special restrictions from 5:00pm 14 August 2021 to the beginning of 22 August 2021 – refer to Fact Sheet 33 as well as this section during this period. Where any inconsistency applies between the below and the special restrictions, the special restrictions prevail.

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises outside of Greater Sydney (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises. In Greater Sydney, the number of persons on premises must not exceed the 1 person per 4sqm rule.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**
- a construction site in Greater Sydney

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not

exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet)
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney
- from 30 July 2021, in an outdoor area (except part of a residential premises that is not common property) in a declared area

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. **A person must carry:**
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

The medical certificate/evidence and identification must be produced to a police officer by the person for inspection on request. A copy of the medical certificate/evidence must be given to a police officer by the person on request.)

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is working at a school that is not in Greater Sydney
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household or the person's nominated visitor.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST, WOLLONGONG & AFFECTED REGIONAL AREAS

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to:
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
<p>Child/young person fail to comply with a noticed direction in relation to section 7/8/9 – COVID-19 – Face Covering</p> <p>FACE COVERING OFFENCES – CHILDREN</p>	<p>97105 (15 years old or younger not wear/carry fitted face covering) Reg Code HZZ</p>	\$40
	<p>97104 (16 or 17 years old not wear/carry fitted face covering) Reg Code PUW</p> <p>CHILDREN 12 YRS & UNDER ARE EXEMPT AND CANNOT RECEIVE A PENALTY NOTICE FOR A FACE COVERING OFFENCE</p>	\$80
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)</p> <p>FACE COVERING OFFENCES - ADULTS</p>	<p>96587 (Not wear fitted face covering in retail/business premises) Reg Code YLL</p>	\$500
	<p>96588 (Not wear fitted face covering in licensed gaming area) Reg Code EIJ</p>	\$500
	<p>96589 (Not wear fitted face covering in entertainment facility) Reg Code QLU</p>	\$500
	<p>96590 (Not wear fitted face covering in place of public worship etc) Reg Code CRL</p>	\$500
	<p>96591 (Not wear fitted face covering residential aged care facility) Reg Code OXS</p>	\$500
	<p>96592 (Not wear fitted face covering public transport waiting area) Reg Code FIQ</p>	\$500
	<p>96593 (Not wear fitted face covering in public transport/taxi etc) Reg Code XFT</p>	\$500
	<p>96594 (Not wear fitted face covering - hospitality venue worker) Reg Code SBR</p>	\$500
	<p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual) Reg Code WAN</p>	\$1,000
	<p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation) Reg Code EJO</p>	\$5,000
	<p>96953 (Not wear face covering in indoor area of non-residential premises) Reg Code OPI</p>	\$500
	<p>96954 (Not wear fitted face covering in prescribed outdoor gathering) Reg Code HSY</p>	\$500
	<p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney which incl Affected Regional Area) Reg Code MME</p>	\$500
<p>96960 (Fail to comply with any other wear face covering directive) – individual Reg Code GYJ</p>	\$500	

<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)</p> <p style="text-align: center;">OTHER BREACHES – INDIVIDUALS</p>	<p>97265 - Not comply with outdoor public gatherings direction New Reg Code DFZ</p> <p>97266 – Fail to comply with contact tracer requirements New Reg Code ECV</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order) Reg Code ZZE</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) – Individual Reg Code OJG</p> <p>97246 - Enter/remain on construction site not vaccinated/tested as prescribed – individual Reg Code EUG</p> <p>97247 - Enter/remain on construction site not have/produce prescribed evidence – individual Reg Code XXT</p> <p>97248 - Occupier of construction site permit unlawful entry etc – individual Reg Code PXP</p>	<p>\$3,000</p> <p>\$5,000</p> <p>\$1,000</p> <p>\$2,000</p> <p>\$2,000</p> <p>\$2,000</p> <p>\$2,000</p>
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation</p> <p style="text-align: center;">OTHER BREACHES – CORPORATIONS</p>	<p>895638 Fail to comply with noticed direction (other than a face covering breach) – corporation Reg Code YUW</p> <p>897091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) – Corporation Reg Code IIX</p> <p>897248 Occupier of construction site permit unlawful entry – corporation Reg Code TKY</p>	<p>\$5,000</p> <p>\$10,000</p> <p>\$10,000</p>
<p style="text-align: center;">COURT ATTENDANCE NOTICE</p>	<p style="text-align: center;">Law Part Code</p>	<p style="text-align: center;">Penalty</p>
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)</p> <p style="text-align: center;">ALL OFFENCES – INDIVIDUALS & CORPORATIONS COURT ATTENDANCE NOTICE</p>	<p>97105 (15 years old or younger not wear/carry fitted face covering)</p> <p>97104 (16 or 17 years old not wear/carry fitted face covering)</p> <p>96587 (Not wear fitted face covering in retail/business premises)</p> <p>96588 (Not wear fitted face covering in licensed gaming area)</p> <p>96589 (Not wear fitted face covering in entertainment facility)</p> <p>96590 (Not wear fitted face covering in place of public worship etc)</p> <p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p>	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

	<p>96595 (Operator not ensure hospitality workers wear fitted face coverings – individual or corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney or an Affected Regional Area)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual or corporation</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) - Individual</p> <p>97265 - Not comply with outdoor public gatherings direction New</p> <p>97266 – Fail to comply with contact tracer requirements New</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) (this is the offence for any other breach of this Order)</p>	
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Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

FOR INTERNAL USE ONLY

ISSUE 28

Health Minister's COVID-19

Delta Outbreak Restrictions (Temporary Gathering and Movement)

Public Health Act 2010

The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* has been renamed the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*. It was amended on 14 August 2021 and expires at the beginning of 28 August 2021.

Note on police powers

- Under this Order, an adult who is leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A Greater Sydney worker who is travelling more than 50km outside of Greater Sydney for work must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the last 7 days before they enter premises for work. Note exemption below.
- A Greater Sydney worker who enters premises for work more than 50km outside Greater Sydney must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the previous 7 days before they enter the premises for work.
- A worker from the LGA of Canterbury Bankstown (all workers), City of Fairfield and Cumberland (aged care and health) who enters premises for work in another LGA must provide to a police officer on request proof of residence and evidence that the person has been tested for COVID-19 in the 72 hours before they enter the premises for work. Note exemption below.
- An adult who is in Greater Sydney and is outdoors for exercise or outdoor recreation or who has left their place of residence or temporary accommodation to obtain goods or services (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in Greater Sydney with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.

- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note answering questions from contact tracers

From 16 August, a person must, at the request of a contact tracer, do the following:

- answer questions or provide other information about the person's movements
- provide the person's contact details (name, and phone number or email address)
- provide true and accurate information at all times.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

SPECIAL DIRECTIONS FOR GREATER SYDNEY including Blue Mountains; Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong

An **affected person** means:

- a person whose home or usual place of work is in Greater Sydney
- a person who is staying in temporary accommodation in Greater Sydney
- any person who was in Greater Sydney at any time from the beginning of 21 June 2021.

An affected person does not include a person who has not been in Greater Sydney during the previous 14 days.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

Stay at home

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms until the end of 15 August 2021, and no further than

5km from 16 August 2021, from the person's home or temporary accommodation and not in a declared area. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted. *Different rules apply for persons from declared areas (refer to other section of this Fact Sheet)*

- work if it is not reasonably practicable to do it from home and if the person visits another person's home, the work is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - undertaken within the person's LGA within Greater Sydney, or alternatively no further than 10 km until the end of 15 August 2021, and no further than 5km from 16 August 2021, from the person's home or accommodation if the place is in another LGA,
 - no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
 - for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside Greater Sydney it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- from 16 August 2021, moving to a different home of the person outside of Greater Sydney but only if the movement is for work and only that person moves home, or, the movement is for the purpose of urgent maintenance or repairs or animal welfare and only 1 person moves to the home
- from 16 August 2021, inspecting a potential new home outside of Greater Sydney but only if the person genuinely intends to move to and live at the new residence as soon as practicable, or moving to a new home outside of Greater Sydney (ie no investment properties)
- from 16 August 2021, supervising or facilitating a business moving to new premises
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together. In some circumstances such as an anniversary of the death or a child or close family member a visit to a grave will be permitted. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation
- for the purposes of feeding and attending to animals but only if no other person is reasonably available to care for the animals, and subject to the following conditions:

- (i) the person must take the most practicable direct route to and from their residence and the location at which the animals are kept, and
- (ii) the person must only remain at the location at which the animals are kept for the minimum period required to feed and attend to those animals.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in Greater Sydney to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

The above does not apply to the homeless.

Working from home

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Leaving Greater Sydney

An adult leaving Greater Sydney must carry evidence of their name and address or temporary accommodation and produce it to police on request.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in Greater Sydney unless the visitor is an authorised visitor. Similarly, a person must not visit a home in Greater Sydney unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities (although two visitors can attend for this purpose if it is reasonably necessary to provide safe care to a person who a resident, but they can only remain at the residence for the minimum period required to provide safe care to the person).
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

From 31 July 2021, a person who lives alone in Greater Sydney may nominate visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and

- the person's home or temporary accommodation is in a declared area and the nominated visitor's home or temporary accommodation is no more than 5km away, and
- if the person's home or temporary accommodation is not in a declared area, the nominated visitor also does not reside in 1 of the above LGAs, and
- the nominated visitor resides in Greater Sydney.

Workers in places of residence

From 31 July 2021, a worker is authorised to visit home in Greater Sydney.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- For a declared area - the prescribed work is necessary, or, no more than 5 workers are present for outdoors work, **OR**
- For an area in Greater Sydney other than a declared area - :
 - no more than 2 workers are present (prescribed or other work).
 - no more than 5 workers are present for outdoors work (prescribed or other work)
 - only workers are in the same room together.

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or
- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings

- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

Travelling through Greater Sydney

A person is able to enter Greater Sydney if the person:

- travels through Greater Sydney and does not leave their vehicle while in Greater Sydney, or
- enters Greater Sydney by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in Greater Sydney, or
- enters Greater Sydney by vessel or aircraft and travels directly to leave Greater Sydney by the most practicable route, or
- enters Greater Sydney to go to a port or airport to leave Greater Sydney and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor gatherings

A person must not participate in an outdoor public gathering in Greater Sydney of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in Greater Sydney

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service

- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in Greater Sydney:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

Closure of retail premises

All retail premises in Greater Sydney must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks

- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in Greater Sydney
- cellar door premises as outlined above under Closure of certain premises in Greater Sydney
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

Limited exceptions to the requirement that premises must not be open to the public

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 26 June 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 26 June 2021, and
- that has not been extended after 26 June 2021.

Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site’s current resourcing plan from 31 July 2021 (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist, “*Construction sites in Greater Sydney*”.

Car pooling

A person must not travel in a vehicle in Greater Sydney with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of occupants 16 years and over under authority of cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household or the person's nominated visitor.

Wearing fitted face coverings in Greater Sydney

There are a number of circumstances in which people in Greater Sydney must wear and carry fitted face coverings. Please see requirements below under [Directions that apply to all NSW](#)

Special provisions for persons in a "declared area"

A "declared area" includes each of the following:

- Bayside
- Burwood
- Canterbury-Bankstown
- Cumberland
- City of Blacktown
- City of Campbelltown
- City of Fairfield
- City of Liverpool
- City of Parramatta
- City of Penrith comprising the following suburbs:
 - Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys.
- Georges River
- Strathfield

Face coverings – outdoors

A person must wear a fitted face covering in an outdoor area (except part of a residential premises that is not common property) in a declared area.

Note: the same exemptions apply to the wearing of face coverings like any other situation. Refer to *face coverings* in this Fact Sheet for more information.

Prohibition on leaving a declared area for work in another LGA

A person whose principal residence or temporary accommodation is in a declared area must not leave the declared area for work unless exempt. The list of authorised workers that are exempt can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>. Where an item in the list specifies an activity only, the effect is to exempt a **worker employed or engaged to provide services that are necessary** for that activity.

An authorised worker must carry proof of residence, as well as any relevant evidence of vaccination, testing or medical contraindication as set out under the heading “Construction sites” above if authorised to work at a construction site, and produce that evidence for inspection to a police officer on request.

Exemption: a person who works for the Health Services Union, the NSW Nurses and Midwives Association, the Australian Paramedic Association and the Australian Salaried Medical Officers Federation of NSW only) and who has had two doses of a COVID-19 vaccine is exempt from the above prohibition to leave a declared area and may attend the workplace where the employees the person represents work.

The person must:

- take the most practicable direct route to and from their home to the workplace
- take reasonably practicable steps to minimise physical contact with any other person while in the workplace
- participate in any staff or visitor screening processes and comply with measures to mitigate the risk of COVID-19 put in place in the workplace
- provide documentation evidence of their vaccinations while travelling to and at the workplace on request of a police officer or the person in charge of the workplace or their delegate
- seek testing for COVID-19 and self isolate while awaiting their results if the person develops any symptoms of COVID-19.

Note: an employer in Greater Sydney must require an employee to work from home unless it is not reasonably practical for the employee to work from home.

Construction sites in a declared area

Construction sites in a declared area must still comply with the rules that apply to Greater Sydney under the heading “Construction sites” above.

A person who lives or has temporary accommodation in a declared area must not enter or remain on a construction site in Greater Sydney unless the person:

- (a) has had 2 doses of a COVID-19 vaccine, or
- (b) has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- (c) has had 1 dose of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- (d) has a certified medical contraindication and has been tested for COVID-19 in the 72 hours before being on site.

Note: a test for COVID-19 includes a test for COVID-19 using a rapid antigen test on a construction site in the way approved by the Chief Health Officer.

A person who lives or has temporary accommodation in a declared area and travels outside for work on a construction site must carry the required evidence and produce it to a police officer on request.

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person's employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The 'required evidence' includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

Exemption: A person who lives or stays in a declared area and is the driver of a vehicle which enters or remains on a construction site in Greater Sydney only to deliver or remove good (including but not limited to supplies, equipment, waste or spoil), and has been tested for COVID-19 in the previous 3 days and can supply evidence of their residence and the test, is exempt from the above mandatory vaccination requirements. The occupier of the construction site is also exempt from their obligations with regard to the worker's mandatory vaccination as long as they are satisfied the worker is entitled to this exemption. This exemption expires at the beginning of 21 August 2021.

Special limits on leaving home in a declared area for food, goods and services

A person who lives or has temporary accommodation in a declared area may leave their home or temporary accommodation to obtain food, goods or services if:

- the food, goods and services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
- the food, goods or services are obtained:
 - (a) within 5 kms of the home or temporary accommodation, or
 - (b) if they are not reasonably available in the 5 km radius – from another place in the declared area, or
 - (c) if they are not reasonably available in the declared area, from the closest place in Greater Sydney to the home that they are available.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

An adult must carry evidence of name and address or temporary accommodation and provides it to police on request.

Special limits on leaving home in a declared area for exercise or supervision of a child 12 years or under

A person who lives or has temporary accommodation in a declared area may leave their home or

temporary accommodation for exercise or to supervise a child 12 years or under who is exercising or at play if:

- it is undertaken within 5 kms of the home or temporary accommodation, and
- for a person travelling in a private vehicle, no other person is in the vehicle other than a member of the person's household or the person's nominated visitor, and,
- for an adult, the person carries evidence of name and address or temporary accommodation and provides it to police on request.

Mandatory COVID-19 testing for workers from the Canterbury-Bankstown LGA at premises in another LGA

A person who lives or has temporary accommodation in the Canterbury-Bankstown LGA must not enter premises for work in an LGA outside the Canterbury-Bankstown unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Exemption: An emergency service worker must be tested for COVID-19 at least every 7 days. The worker must provide evidence of the test to their employer and police officer on request.

An employer must not permit the worker to enter or remain premises for work unless the worker complies with the testing requirement.

Mandatory COVID-19 testing for health and aged care workers from the LGA of City of Fairfield or Cumberland working at premises in another LGA

A person who lives or has temporary accommodation in the LGA of City of Fairfield or Cumberland, and who:

- works in a residential aged care facility, or
- provides health services within the meaning of the *Health Services Act 1997* (whether or not in the public or private sector) or a registered health practitioner or a person who works for a registered health practitioner (each a "health services provider"), or
- provides ancillary or support services to the work of a "health services provider" (including, for example, cleaners, cooks and security providers at hospitals)

must not enter premises for work outside of the LGA in which they live or the LGA in which they are staying in temporary accommodation unless:

- the worker has been tested for COVID-19 in the 72 hours before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow an affected person to enter or remain at the premises who has not complied with the above requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

Mandatory COVID-19 testing for workers from Greater Sydney working at premises outside Greater Sydney

A **Greater Sydney worker** is a person whose home or temporary accommodation is in Greater Sydney.

A Greater Sydney worker must not enter premises for work that are more than 50km outside Greater Sydney unless:

- the worker has been tested for COVID-19 in the 7 days before, and
- the worker has evidence of the test available for inspection by a police officer or employer or occupier of the premises (an SMS text message or email can be evidence that a test. The evidence must be true and accurate).

An employer/occupier of premises (except in residential premises) must not allow a Greater Sydney worker to enter or remain at the premises who has not complied with these requirements.

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

An emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties.

General exemption for emergency services workers

An emergency services worker and their employer are exempt from the testing requirements above if the worker is recalled to duty unexpectedly by their employer for an emergency.

An emergency services worker includes police, ambulance and fire fighters.

DIRECTIONS THAT APPLY TO ALL OF NSW

NOTE: The Regional NSW Area has special restrictions from 5:00pm 14 August 2021 to the beginning of 22 August 2021 – refer to Fact Sheet 33 as well as this section during this period. Where any inconsistency applies between the below and the special restrictions, the special restrictions prevail.

Working from home

An employer must allow an employee to work from home if reasonably practicable

In Greater Sydney an employer must require an employee to work from home if reasonably practicable.

Number of persons allowed on residential premises

Each adult member of a household must not allow more than **5 visitors** to be at the premises at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings
- assisting a person moving to/from a place of residence
- there is an emergency or for compassionate reasons or a person avoiding injury or illness or to

escape a risk of harm

- viewing or inspecting real estate for sale or lease or participate in an auction of real estate
- the person is at the place of residence to attend a funeral, memorial or wedding service and gathering afterwards.

Holidays homes and short-term rentals

An occupier of premises must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commit an offence if there are more than 5 persons present.

Note: this does not apply to persons who were already staying in a holiday home or short-term rental immediately before 26 June 2021 so long as no additional persons move into the premises after 26 June 2021.

General 1 person per 4 sqm rule for premises

The occupier of premises outside of Greater Sydney (including an operator of a vehicle or vessel) must not allow more than the greater of 25 persons or the number allowed by the 4 sqm rule on the premises. In Greater Sydney, the number of persons on premises must not exceed the 1 person per 4sqm rule.

This does not apply to:

- a place of residence
- an entertainment facility
- a recreation facility (major)
- 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
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Attachment A**
- a construction site in Greater Sydney

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person on any premises and the number of persons on the premises, the following are not included:

- any person engaged in work on the premises for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

Entertainment facilities and recreation facilities (major)

The occupier of an **entertainment facility** must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule in the case of unfixed seating OR the 4sqm rule in the facility.

If an occupier relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

Gymnasiums and recreation facilities (indoor)

An occupier of a gym must ensure the number of persons attending any group class does not exceed 20 persons.

An occupier of a recreation facility (indoor) must ensure the number of persons attending any group dance class does not exceed 20 persons.

Singing on non-residential premises

An occupier of non-residential premises must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in a school or educational facility, or
- the persons are singing for the purpose of instruction in singing.

Dancing on non-residential premises

An occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.

Dancing is allowed at weddings for the wedding party only (no more than 20 dancers at the one time).

*A **hospitality venue** means a casino, food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 and cellar door premises, pubs, registered clubs and small bars.*

*A **nightclub** means premises that are 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.*

Consuming alcohol on non-residential premises

An occupier of a non-residential premises must ensure the persons in an indoor area of the premises do not consume alcohol unless seated.

Face coverings

A person **must** wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering
(safe outdoor gatherings and controlled outdoor public gatherings are explained later in this Fact Sheet)
- working at a hospitality venue and dealing directly with members of the public.
- in an indoor area on common property of a place of residence in Greater Sydney only.
- in an indoor and outdoor area of a market in Greater Sydney that predominantly sells food such as Flemington Markets and Sydney Fish Markets
- outdoors next to or near food and drink premises or retail premises in Greater Sydney for example queue for a take away coffee and walking past a shop front
- working in an outdoor area in Greater Sydney
- from 30 July 2021, in an outdoor area (except part of a residential premises that is not common property) in a declared area

A 'public transport service' includes a taxi service, rideshare service, passenger service and community transport service.

A 'public transport waiting area' means a station (and platform) of a passenger railway or light rail, a ferry wharf, a bus stop or light rail stop including any area where persons queue or wait, and a taxi rank including any area where persons queue or wait.

A person in Greater Sydney must carry a fitted face covering with them at all times when not at home or their temporary accommodation.

Exemptions

There are a number of exemptions to these face covering rules:

- a person 12 years and under
- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. **A person must carry:**
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

The medical certificate/evidence and identification must be produced to a police officer by the person for inspection on request. A copy of the medical certificate/evidence must be given to a police officer by the person on request.)

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym class or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working and the nature of the work and the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or where clear enunciation and visibility of the person's mouth is essential
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in a public hospital or private health facility
- the person is a student at a school
- the person is working at a school that is not in Greater Sydney
- the person is in a school or an early education and care facility
- the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room
- the person is in the process of getting married
- the person is working alone in an indoor area like an office until another person enters the person enters the space
- the person is in a vehicle alone or with another person of the same household or the person's nominated visitor.

An operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue wear a face mask.

Application

If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* or *Public Health (COVID-19 Mandatory Face Coverings) Order (No 3) 2021*, this Order prevails to the extent of the inconsistency.

An *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.

APPLICABLE ONLY TO AREAS OUTSIDE GREATER SYDNEY, BLUE MOUNTAINS LGAs of SHELLHARBOUR, CENTRAL COAST, WOLLONGONG & AFFECTED REGIONAL AREAS

COVID-19 safe outdoor gathering or a controlled outdoor public gathering

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

- A **COVID-19 safe outdoor gathering** is a gathering where the organiser:
 - has and complies with the appropriate COVID-19 Safety Plan, and
 - keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.
- The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:
 - the number permitted by the 4 sqm rule for the premises, or
 - 5,000 persons.
- These rules do not apply to:
 - a gathering for which a COVID-19 Safety Plan is required (see table below)
 - an exempted gathering listed in Annexure A of this Fact Sheet,
 - a gathering to provide emergency assistance to a person or persons,
 - an agricultural show or agricultural field day,
 - a controlled outdoor public gathering.
- A **controlled outdoor public gathering** is:
 - held in an area that is enclosed or bounded by fencing or another form of barrier, and
 - requires a ticket to enter, and
 - all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.
- The restrictions on controlled outdoor public gatherings do not apply to:
 - a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
 - a gathering listed in Annexure A (exempted gatherings)
- The organiser of a controlled public gathering must:
 - ensure the above requirements are met
 - have and comply with the appropriate COVID-19 Safety Plan, and
 - keep a copy of the COVID-19 Safety Plan and make it available for inspection.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities

22	Markets
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
<p>Child/young person fail to comply with a noticed direction in relation to section 7/8/9 – COVID-19 – Face Covering</p> <p>FACE COVERING OFFENCES – CHILDREN</p>	<p>97105 (15 years old or younger not wear/carry fitted face covering) Reg Code HZZ</p>	\$40
	<p>97104 (16 or 17 years old not wear/carry fitted face covering) Reg Code PUW</p> <p>CHILDREN 12 YRS & UNDER ARE EXEMPT AND CANNOT RECEIVE A PENALTY NOTICE FOR A FACE COVERING OFFENCE</p>	\$80
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)</p> <p>FACE COVERING OFFENCES - ADULTS</p>	<p>96587 (Not wear fitted face covering in retail/business premises) Reg Code YLL</p>	\$500
	<p>96588 (Not wear fitted face covering in licensed gaming area) Reg Code EIJ</p>	\$500
	<p>96589 (Not wear fitted face covering in entertainment facility) Reg Code QLU</p>	\$500
	<p>96590 (Not wear fitted face covering in place of public worship etc) Reg Code CRL</p>	\$500
	<p>96591 (Not wear fitted face covering residential aged care facility) Reg Code OXS</p>	\$500
	<p>96592 (Not wear fitted face covering public transport waiting area) Reg Code FIQ</p>	\$500
	<p>96593 (Not wear fitted face covering in public transport/taxi etc) Reg Code XFT</p>	\$500
	<p>96594 (Not wear fitted face covering - hospitality venue worker) Reg Code SBR</p>	\$500
	<p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual) Reg Code WAN</p>	\$1,000
	<p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation) Reg Code EJO</p>	\$5,000
	<p>96953 (Not wear face covering in indoor area of non-residential premises) Reg Code OPI</p>	\$500
	<p>96954 (Not wear fitted face covering in prescribed outdoor gathering) Reg Code HSY</p>	\$500
	<p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney which incl Affected Regional Area) Reg Code MME</p>	\$500
<p>96960 (Fail to comply with any other wear face covering directive) – individual Reg Code GYJ</p>	\$500	

<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)</p> <p style="text-align: center;">OTHER BREACHES – INDIVIDUALS</p>	<p>97265 - Not comply with outdoor public gatherings direction New Reg Code DFZ</p> <p>97266 – Fail to comply with contact tracer requirements New Reg Code ECV</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order) Reg Code ZZE</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) – Individual Reg Code OJG</p> <p>97246 - Enter/remain on construction site not vaccinated/tested as prescribed – individual Reg Code EUG</p> <p>97247 - Enter/remain on construction site not have/produce prescribed evidence – individual Reg Code XXT</p> <p>97248 - Occupier of construction site permit unlawful entry etc – individual Reg Code PXP</p>	<p>\$3,000</p> <p>\$5,000</p> <p>\$1,000</p> <p>\$2,000</p> <p>\$2,000</p> <p>\$2,000</p> <p>\$2,000</p>
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation</p> <p style="text-align: center;">OTHER BREACHES – CORPORATIONS</p>	<p>895638 Fail to comply with noticed direction (other than a face covering breach) – corporation Reg Code YUW</p> <p>897091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) – Corporation Reg Code IIX</p> <p>897248 Occupier of construction site permit unlawful entry – corporation Reg Code TKY</p>	<p>\$5,000</p> <p>\$10,000</p> <p>\$10,000</p>
<p style="text-align: center;">COURT ATTENDANCE NOTICE</p>	<p style="text-align: center;">Law Part Code</p>	<p style="text-align: center;">Penalty</p>
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)</p> <p style="text-align: center;">ALL OFFENCES – INDIVIDUALS & CORPORATIONS</p> <p style="text-align: center;">COURT ATTENDANCE NOTICE</p>	<p>97105 (15 years old or younger not wear/carry fitted face covering)</p> <p>97104 (16 or 17 years old not wear/carry fitted face covering)</p> <p>96587 (Not wear fitted face covering in retail/business premises)</p> <p>96588 (Not wear fitted face covering in licensed gaming area)</p> <p>96589 (Not wear fitted face covering in entertainment facility)</p> <p>96590 (Not wear fitted face covering in place of public worship etc)</p> <p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p>	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

	<p>96595 (Operator not ensure hospitality workers wear fitted face coverings – individual or corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney or an Affected Regional Area)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual or corporation</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) - Individual</p> <p>97265 - Not comply with outdoor public gatherings direction New</p> <p>97266 – Fail to comply with contact tracer requirements New</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) (this is the offence for any other breach of this Order)</p>	
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Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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



FOR INTERNAL USE ONLY ISSUE 29



Electronic recording of contact details: QR Codes

The Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021 sets out the requirements for people entering certain premises to provide their **contact details**. These requirements start on 12 July 2021.

Contact details are the person's name, telephone number or email address and the time of entry.

A person must register their contact details electronically with Service NSW when entering premises in Attachment A by:

- phone or other device (both their phone/device or someone else's), or
- providing their details directly to the occupier of the premises if it is not possible to register the person's details on a phone/device, or if is unsafe because of the nature of the premises.

The occupier of premises:

- must take all reasonable steps to ensure a person complies and if the contact details are provided directly to the occupier register the contact details with Service NSW within 12 hours after receiving them. Reasonable steps include displaying the QR codes in a prominent spot and asking to see the 'green tick' on the Service NSW app.
- must keep a record of the contact details provided to the occupier for at least 4 weeks and must provide those details to the Chief Health Officer upon request. The contact details must be provided as soon as practicable but no later than 4 hours after the request is made.

If the premises are a vehicle, the registered operator must ensure the vehicle is not used as a taxi or hire car unless registered with Service NSW, and passengers can register their contact details using a mobile phone when entering the vehicle.

Exemptions from electronic recording

A person is NOT required to register their contact details when entering premises contained within and only accessible through other premises (the main premises) **unless** the premises are:

- a gym, or
- an entertainment facility, or
- a hospitality venue, or
- a nightclub, or
- retail premises, or
- the person was not required to register their contact details when entering the main premises.

A person is NOT required to provide contact details when entering premises:

- in response to an emergency
- in a vehicle if the person does not exit the vehicle while on the premises
- if the person is under the age of 18 years and it is not possible to electronically register details (for example, if the child does not have a telephone number or email address)

- while exercising law enforcement, intelligence or national security functions on behalf of a government agency (both NSW and Commonwealth)
- if the person is entering any health or medical facility, other than a pharmacy, as a patient
- if the premises are mines or used by a government agency (both NSW and Commonwealth) with law enforcement, intelligence or national security functions.

NOTES:

- The above exemptions mean sworn NSWPF officers are not required to sign into premises while they are exercising a law enforcement function. With unsworn officers, a case by case assessment will need to be made on whether they are exercising a law enforcement function. The exemptions also mean that all police premises are exempt. Individual Commanders will be responsible for establishing sign in requirements at their Command.
- Contact details provided under these directions can only be disclosed and used for contact tracing during the COVID-19 pandemic.

Attachment A – Premises requiring electronic entry records

PART 1: PREMISES

No.	Premises
1	Amusement centres
2	Aquariums
3	Business premises, being premises at which— (a) an occupation, profession or trade regularly provides services directly to members of the public, or (b) a service is regularly provided directly to members of the public
4	Construction sites
5	Crematoria
6	Drive-in cinemas
7	Entertainment facilities
8	Function centres
9	Hospitality venues
10	Hospitals, but not a hospital that has an electronic entry recording system that records sufficient information about persons entering the hospital for contact tracing
11	Hotels or motels or other accommodation facilities, but not for a person who has checked in and is staying overnight, or who is a resident
12	Industrial premises, being premises used for the— (a) manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with the activity, or (b) handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes
13	Information and education facilities
14	Nightclubs
15	Office premises, being premises used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis

16	Parliament House
17	Party buses
18	Places of public worship
19	Properties operated by the National Trust or the Historic Houses Trust
20	Public swimming pools, other than a natural swimming pool
21	Recreation facilities (indoor)
22	Recreation facilities (major)
23	Residential care facilities or hostels, but not residents
24	Retail premises, being premises used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials or whether also sold by wholesale
25	School, university or other educational institution, but not a student of a school entering the school
26	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
27	Sex services premises
28	Shopping centres
29	Storage premises
30	Strip clubs
31	Vehicles being used as taxis or hire vehicles (which includes Rideshare services such as Uber, Ola etc).
32	Vessels used for hosting functions or for commercial tours
33	Warehouse or distribution centres
34	Zoological parks and reptile parks

PART 2: PREMISES AT WHICH THE FOLLOWING EVENTS ARE BEING HELD

35	COVID-19 safe outdoor public gatherings
36	Controlled outdoor public gatherings
37	Agricultural shows or agricultural field days
38	Funerals and memorial services and gatherings after funerals and memorial services
39	Religious services and gatherings after religious services
40	Wedding services and gatherings after wedding services

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	895638	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).



FOR INTERNAL USE ONLY ISSUE 29



Electronic recording of contact details: QR Codes

The Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021 sets out the requirements for people entering certain premises to provide their **contact details**. These requirements start on 12 July 2021.

Contact details are the person's name, telephone number or email address and the time of entry.

A person must register their contact details electronically when entering premises in Attachment A by:

- phone or other device (both their phone/device or someone else's) with Service NSW, or
- providing their details directly to the occupier of the premises if it is not possible to register the person's details on a phone/device, or if is unsafe because of the nature of the premises.

The occupier of premises:

- must take all reasonable steps to ensure a person complies. Reasonable steps include displaying the QR codes in a prominent spot and asking to see the 'green tick' on the Service NSW app.
- must keep a record of the contact details provided directly to the occupier for at least 4 weeks and must provide those details to the Chief Health Officer upon request. The contact details must be provided as soon as practicable but no later than 4 hours after the request is made.

If the premises are a vehicle, the registered operator must ensure the vehicle is not used as a taxi or hire car unless registered with Service NSW, and passengers can register their contact details using a mobile phone when entering the vehicle.

Exemptions from electronic recording

A person is NOT required to register their contact details when entering premises contained within and only accessible through other premises (the main premises) **unless** the premises are:

- a gym, or
- an entertainment facility, or
- a hospitality venue, or
- a nightclub, or
- retail premises, or
- the person was not required to register their contact details when entering the main premises.

A person is NOT required to provide contact details when entering premises:

- in response to an emergency
- in a vehicle if the person does not exit the vehicle while on the premises
- if the person is under the age of 18 years and it is not possible to electronically register details (for example, if the child does not have a telephone number or email address)

- while exercising law enforcement, intelligence or national security functions on behalf of a government agency (both NSW and Commonwealth)
- if the person is entering any health or medical facility, other than a pharmacy, as a patient
- if the premises are mines or farms or used by a government agency (both NSW and Commonwealth) with law enforcement, intelligence or national security functions.

NOTES:

- The above exemptions mean sworn NSWPF officers are not required to sign into premises while they are exercising a law enforcement function. With unsworn officers, a case by case assessment will need to be made on whether they are exercising a law enforcement function. The exemptions also mean that all police premises are exempt. Individual Commanders will be responsible for establishing sign in requirements at their Command.
- Contact details provided under these directions can only be disclosed and used for contact tracing during the COVID-19 pandemic.

Attachment A – Premises requiring electronic entry records

PART 1: PREMISES

No.	Premises
1	Amusement centres
2	Aquariums
3	Business premises, being premises at which— (a) an occupation, profession or trade regularly provides services directly to members of the public, or (b) a service is regularly provided directly to members of the public
4	Construction sites
5	Crematoria
6	Drive-in cinemas
6A	Early education and care facilities, but not a child entering a facility premises for the purposes of being cared for at the facility.
7	Entertainment facilities
8	Function centres
9	Hospitality venues
10	Hospitals, but not a hospital that has an electronic entry recording system that records sufficient information about persons entering the hospital for contact tracing
11	Hotels or motels or other accommodation facilities, but not for a person who has checked in and is staying overnight, or who is a resident
12	Industrial premises, being premises used for the— (a) manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with the activity, or (b) handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes
13	Information and education facilities
14	Nightclubs

15	Office premises, being premises used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis
16	Parliament House
17	Party buses
18	Places of public worship
19	Properties operated by the National Trust or the Historic Houses Trust
20	Public swimming pools, other than a natural swimming pool
21	Recreation facilities (indoor)
22	Recreation facilities (major)
23	Residential care facilities or hostels, but not residents
24	Retail premises, being premises used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials or whether also sold by wholesale
25	School, university or other educational institution, but not a student of a school entering the school
26	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
27	Sex services premises
28	Shopping centres
29	Storage premises
30	Strip clubs
31	Vehicles being used as taxis or hire vehicles (which includes Rideshare services such as Uber, Ola etc).
32	Vessels used for hosting functions or for commercial tours
33	Warehouse or distribution centres
34	Zoological parks and reptile parks

PART 2: PREMISES AT WHICH THE FOLLOWING EVENTS ARE BEING HELD

35	COVID-19 safe outdoor public gatherings
36	Controlled outdoor public gatherings
37	Agricultural shows or agricultural field days
38	Funerals and memorial services and gatherings after funerals and memorial services
39	Religious services and gatherings after religious services
40	Wedding services and gatherings after wedding services

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with electronic registration directive - individual	97109	\$1,000
Fail to comply with electronic registration directive - corporation	897109	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with electronic registration directive – individual or corporation	97109	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).



FOR INTERNAL USE ONLY ISSUE 29



Electronic recording of contact details: QR Codes

The Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021 sets out the requirements for people entering certain premises to provide their **contact details**. These requirements start on 12 July 2021.

Contact details are the person's name, telephone number or email address and the time of entry.

A person must register their contact details electronically when entering premises in Attachment A by:

- phone or other device (both their phone/device or someone else's) with Service NSW, or
- providing their details directly to the occupier of the premises if it is not possible to register the person's details on a phone/device, or if is unsafe because of the nature of the premises.

The occupier of premises:

- must take all reasonable steps to ensure a person complies. Reasonable steps include displaying the QR codes in a prominent spot and asking to see the 'green tick' on the Service NSW app.
- must keep a record of the contact details provided directly to the occupier for at least 4 weeks and must provide those details to the Chief Health Officer upon request. The contact details must be provided as soon as practicable but no later than 4 hours after the request is made.

If the premises are a vehicle, the registered operator must ensure the vehicle is not used as a taxi or hire car unless registered with Service NSW, and passengers can register their contact details using a mobile phone when entering the vehicle.

If the premises are a vehicle, the registered operator must also ensure that the vehicle is not used by or on behalf of an employer to transport employees unless it is registered with Service NSW, and unless passengers can register their contact details using a mobile phone when entering the vehicle.

Exemptions from electronic recording

A person is NOT required to register their contact details when entering premises contained within and only accessible through other premises (the main premises) **unless** the premises are:

- a gym, or
- an entertainment facility, or
- a hospitality venue, or
- a nightclub, or
- retail premises, or
- the person was not required to register their contact details when entering the main premises.

A person is NOT required to provide contact details when entering premises:

- in response to an emergency

- in a vehicle if the person does not exit the vehicle while on the premises
- if the person is under the age of 18 years and it is not possible to electronically register details (for example, if the child does not have a telephone number or email address)
- while exercising law enforcement, intelligence or national security functions on behalf of a government agency (both NSW and Commonwealth)
- if the person is entering any health or medical facility, other than a pharmacy, as a patient
- if the premises are mines or farms or used by a government agency (both NSW and Commonwealth) with law enforcement, intelligence or national security functions.

NOTES:

- The above exemptions mean sworn NSWPF officers are not required to sign into premises while they are exercising a law enforcement function. With unsworn officers, a case by case assessment will need to be made on whether they are exercising a law enforcement function. The exemptions also mean that all police premises are exempt. Individual Commanders will be responsible for establishing sign in requirements at their Command.
- Contact details provided under these directions can only be disclosed and used for contact tracing during the COVID-19 pandemic.

Attachment A – Premises requiring electronic entry records

PART 1: PREMISES

No.	Premises
1	Amusement centres
2	Aquariums
3	Business premises, being premises at which— (a) an occupation, profession or trade regularly provides services directly to members of the public, or (b) a service is regularly provided directly to members of the public
4	Construction sites
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6	Drive-in cinemas
6A	Early education and care facilities, but not a child entering a facility premises for the purposes of being cared for at the facility.
7	Entertainment facilities
8	Function centres
9	Hospitality venues
10	Hospitals, but not a hospital that has an electronic entry recording system that records sufficient information about persons entering the hospital for contact tracing
11	Hotels or motels or other accommodation facilities, but not for a person who has checked in and is staying overnight, or who is a resident
12	Industrial premises, being premises used for the— (a) manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with the activity, or (b) handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes
13	Information and education facilities
14	Nightclubs

15	Office premises, being premises used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis
16	Parliament House
17	Party buses
18	Places of public worship
19	Properties operated by the National Trust or the Historic Houses Trust
20	Public swimming pools, other than a natural swimming pool
21	Recreation facilities (indoor)
22	Recreation facilities (major)
23	Residential care facilities or hostels, but not residents
24	Retail premises, being premises used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials or whether also sold by wholesale
25	School, university or other educational institution, but not a student of a school entering the school
26	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
27	Sex services premises
28	Shopping centres
29	Storage premises
30	Strip clubs
31	Vehicles being used as taxis or hire vehicles (which includes Rideshare services such as Uber, Ola etc).
32	Vessels used for hosting functions or for commercial tours
33	Warehouse or distribution centres
34	Zoological parks and reptile parks
35	Vehicles being used by or on behalf of an employer to transport employees between their residence and their place of work.

PART 2: PREMISES AT WHICH THE FOLLOWING EVENTS ARE BEING HELD

35	COVID-19 safe outdoor public gatherings
36	Controlled outdoor public gatherings
37	Agricultural shows or agricultural field days
38	Funerals and memorial services and gatherings after funerals and memorial services

39	Religious services and gatherings after religious services
40	Wedding services and gatherings after wedding services

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with electronic registration directive - individual	97109	\$1,000
Fail to comply with electronic registration directive - corporation	897109	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with electronic registration directive – individual or corporation	97109	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

ISSUE 30

Health Minister's COVID-19

Special directions for regional NSW

Public Health Act 2010

The Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021 was amended commencing 21 July 2021. These amendments will expire on 28 July 2021.

These directions apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 17 July 2021

in the local government areas (LGAs) of **Blayney**, **Cabonne** and the **City of Orange** (an affected region).

The directions that apply to all NSW in Fact Sheet 28 also apply to these three LGAs. If there is an inconsistency, the directions in this Fact Sheet prevail.

Provision of information to police

A person must on request provide information, including their name and address, to a police officer so that the officer can decide whether the person is an affected person and has complied with the requirements in this Fact Sheet.

A person must provide true and accurate information.

Wearing of fitted face coverings

A affected person must wear a fitted face covering (over both the nose and mouth) at all times while:

- in an indoor area on common property of a place of residence in affected region
- in an indoor and outdoor area of a market that predominantly sells food in an affected region
- outdoors next to or near food and drink premises or retail premises in an affected region for example queue for a take away coffee or walking past a shop front
- working in an outdoor area in an affected region

A person in an affected region must carry a fitted face covering with them at all times when not at home or in their temporary accommodation.

Stay at home

An affected person must not, without reasonable excuse be away from the person's home wherever located or from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets.
- work if it is not reasonably practicable to work from home

- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - (i) undertaken within the person's LGA or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - (ii) no car-pooling is used to travel to or from a place for exercise or outdoor recreation, other than with a member of the person's household

Note: The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a funeral or memorial service or gathering afterwards until the beginning of 23 July 2021 and thereafter attending a funeral or memorial service or gathering afterwards with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service.
- attending a wedding service or gathering afterwards before the beginning of 23 July 2021
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

It is a reasonable excuse to leave temporary accommodation to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

A person who leaves their residence for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

The above does not apply to the homeless.

Entering an affected region

A person must not enter an affected region without a reasonable excuse.

Reasonable excuses are:

- to go to the person's home in the affected region
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside the affected region
- work if it is not reasonably practicable to work from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a funeral or memorial service or gathering afterwards until the beginning of 23 July 2021 and thereafter attending a funeral or memorial service or gathering afterwards with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service.
- attending a wedding service or gathering afterwards before the beginning of 23 July 2021
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

A person who enters an affected region for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

Taking a holiday is NOT a reasonable excuse.

Travelling through an affected region

A person is able to enter an affected region if the person:

- travels through an affected region and does not leave their vehicle
- enters the affected region by road and travels through by the most practicable route,
- enters by air and does not leave the airport while in the affected region
- enters an affected region by vessel or aircraft and travels directly to leave affected region by the most practicable route
- enters the affected region to go to a port or airport to leave the affected region and travels to the port or airport by the most practicable route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor public gatherings

A person must not participate in an outdoor public gathering in an affected region of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a funeral or memorial service or gathering afterwards until the beginning of 23 July 2021 and thereafter attending a funeral or memorial service or gathering afterwards with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service
- a wedding service or gathering afterwards before the beginning of 23 July 2021
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in an affected area

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a wedding service or gathering afterwards until the beginning of 23 July 2021
 - (iv) a funeral or memorial service or gathering afterwards until the beginning of 23 July 2021 and thereafter attending a funeral or memorial service or gathering afterwards with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a wedding service or gathering afterwards until the beginning of 23 July 2021
 - (v) a funeral or memorial service or gathering afterwards until the beginning of 23 July 2021 and thereafter attending a funeral or memorial service or gathering afterwards with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities except for:
 - (i) a wedding service or gathering afterwards until the beginning of 23 July 2021
 - (ii) a funeral or memorial service or gathering afterwards until the beginning of 23 July 2021 and thereafter attending a funeral or memorial service or gathering afterwards with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service

Note: the streaming of a live performance is not prohibited as the venue is not open to the public

- amusement centres

- 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 take-away food or beverages,
- recreation facilities (indoor) except for:
 - (i) the purposes of educational services or childcare
 - (ii) a wedding service or gathering afterwards until the beginning of 23 July 2021
 - (iii) a funeral or memorial service or gathering afterwards until the beginning of 23 July 2021 and thereafter attending a funeral or memorial service or gathering afterwards with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) providing educational services or childcare
 - (ii) a wedding service or gathering afterwards until the beginning of 23 July 2021
 - (iii) a funeral or memorial service or gathering afterwards until the beginning of 23 July 2021 and thereafter attending a funeral or memorial service or gathering afterwards with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited in an affected region from conducting:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Exemptions: Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 21 July 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 21 July 2021, and
- that has not been extended after 21 July 2021.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	\$200
	96960 (Fail to comply with any other wear face covering directive) – individual 896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty

<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)</p>	<p>96587 (Not wear fitted face covering in retail/business premises)</p> <p>96588 (Not wear fitted face covering in licensed gaming area)</p> <p>96589 (Not wear fitted face covering in entertainment facility)</p> <p>96590 (Not wear fitted face covering in place of public worship etc)</p> <p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>
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Annexure A – Exempted Gatherings

- 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 St 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

ISSUE 30

Health Minister's COVID-19

Special directions for regional NSW

Public Health Act 2010

The Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021 was amended commencing 21 July 2021. These amendments will expire on 28 July 2021.

These directions apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 17 July 2021

in the local government areas (LGAs) of **Blayney**, **Cabonne** and the **City of Orange** (an affected region).

The directions that apply to all NSW in Fact Sheet 28 also apply to these three LGAs. If there is an inconsistency, the directions in this Fact Sheet prevail.

Provision of information to police

A person must on request provide information, including their name and address, to a police officer so that the officer can decide whether the person is an affected person and has complied with the requirements in this Fact Sheet.

A person must provide true and accurate information.

Wearing of fitted face coverings

An affected person must wear a fitted face covering (over both the nose and mouth) at all times while:

- in an indoor area on common property of a place of residence in affected region
- in an indoor and outdoor area of a market that predominantly sells food in an affected region
- outdoors next to or near food and drink premises or retail premises in an affected region for example queue for a take away coffee or walking past a shop front
- working in an outdoor area in an affected region

A person in an affected region must carry a fitted face covering with them at all times when not at home or in their temporary accommodation.

Stay at home

An affected person must not, without reasonable excuse be away from the person's home wherever located or from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets.
- work if it is not reasonably practicable to work from home

- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - (i) undertaken within the person's LGA or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - (ii) no car-pooling is used to travel to or from a place for exercise or outdoor recreation, other than with a member of the person's household

Note: The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a funeral or memorial service or gathering afterwards until the beginning of 23 July 2021 and thereafter attending a funeral or memorial service or gathering afterwards with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service.
- attending a wedding service or gathering afterwards before the beginning of 23 July 2021
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

Taking a holiday is NOT a reasonable excuse

It is a reasonable excuse to leave temporary accommodation to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

A person who leaves their residence for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

The above does not apply to the homeless.

Authorised visitors to places of residence

Each adult member of a household must not allow a visitor to be at their home in an affected region unless the visitor is an authorised visitor. Similarly, a person must not visit a home in an affected region unless they are an authorised visitor.

An authorised visitor is a person who is at the home:

- for work or childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- to view or inspect real property for sale or lease or participate in an auction.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

Entering an affected region

A person must not enter an affected region without a reasonable excuse.

Reasonable excuses are:

- to go to the person's home in the affected region
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside the affected region
- work if it is not reasonably practicable to work from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a funeral or memorial service or gathering afterwards until the beginning of 23 July 2021 and thereafter attending a funeral or memorial service or gathering afterwards with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service.
- attending a wedding service or gathering afterwards before the beginning of 23 July 2021
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services

- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.

A person who enters an affected region for a reasonable excuse must still comply with the 2 person outdoor gathering rule (see below).

Taking a holiday is NOT a reasonable excuse.

Travelling through an affected region

A person is able to enter an affected region if the person:

- travels through an affected region and does not leave their vehicle
- enters the affected region by road and travels through by the most practicable route,
- enters by air and does not leave the airport while in the affected region
- enters an affected region by vessel or aircraft and travels directly to leave affected region by the most practicable route
- enters the affected region to go to a port or airport to leave the affected region and travels to the port or airport by the most practicable route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Limits on outdoor public gatherings

A person must not participate in an outdoor public gathering in an affected region of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a funeral or memorial service or gathering afterwards until the beginning of 23 July 2021 and thereafter attending a funeral or memorial service or gathering afterwards with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service
- a wedding service or gathering afterwards before the beginning of 23 July 2021
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

Closure of certain premises in an affected area

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages

- (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
- (iii) a wedding service or gathering afterwards until the beginning of 23 July 2021
- (iv) a funeral or memorial service or gathering afterwards until the beginning of 23 July 2021 and thereafter attending a funeral or memorial service or gathering afterwards with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a wedding service or gathering afterwards until the beginning of 23 July 2021
 - (v) a funeral or memorial service or gathering afterwards until the beginning of 23 July 2021 and thereafter attending a funeral or memorial service or gathering afterwards with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities except for:
 - (i) a wedding service or gathering afterwards until the beginning of 23 July 2021
 - (ii) a funeral or memorial service or gathering afterwards until the beginning of 23 July 2021 and thereafter attending a funeral or memorial service or gathering afterwards with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service

Note: the streaming of a live performance is not prohibited as the venue is not open to the public

- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor) except for:
 - (i) the purposes of educational services or childcare
 - (ii) a wedding service or gathering afterwards until the beginning of 23 July 2021
 - (iii) a funeral or memorial service or gathering afterwards until the beginning of 23 July 2021 and thereafter attending a funeral or memorial service or gathering afterwards with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) providing educational services or childcare
 - (ii) a wedding service or gathering afterwards until the beginning of 23 July 2021
 - (iii) a funeral or memorial service or gathering afterwards until the beginning of 23 July 2021 and thereafter attending a funeral or memorial service or gathering afterwards with no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence

- sex services premises
- sex on premises venues
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited in an affected region from conducting:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

Exemptions: Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground immediately before 21 July 2021 and who is continuing to stay at the caravan park or camping ground under a booking:

- that was made before 21 July 2021, and
- that has not been extended after 21 July 2021.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$200
	96588 (Not wear fitted face covering in licensed gaming area)	\$200
	96589 (Not wear fitted face covering in entertainment facility)	\$200
	96590 (Not wear fitted face covering in place of public worship etc)	\$200
	96591 (Not wear fitted face covering residential aged care facility)	\$200
	96592 (Not wear fitted face covering public transport waiting area)	\$200
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$200
	96594 (Not wear fitted face covering - hospitality venue worker)	\$200
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$200
	896595 (Operator not ensure hospitality	\$1000

	workers wear fitted face coverings - corporation)	
	96953 (Not wear face covering in indoor area of non-residential premises)	\$200
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$200
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney)	\$200
	96960 (Fail to comply with any other wear face covering directive) – individual	
	896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96587 (Not wear fitted face covering in retail/business premises) 96588 (Not wear fitted face covering in licensed gaming area) 96589 (Not wear fitted face covering in entertainment facility) 96590 (Not wear fitted face covering in place of public worship etc) 96591 (Not wear fitted face covering residential aged care facility) 96592 (Not wear fitted face covering public transport waiting area) 96593 (Not wear fitted face covering in public transport/taxi etc) 96594 (Not wear fitted face covering - hospitality venue worker) 96595 (Operator not ensure hospitality workers wear fitted face coverings - individual) 896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation) 96953 (Not wear face covering in indoor area of non-residential premises) 96954 (Not wear fitted face covering in prescribed outdoor gathering) 97001 (Not wear fitted face covering indoor area of common property –	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

	<p>Greater Sydney)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>96952 Travel from Metropolitan Sydney area to place in NSW outside area</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Annexure A – Exempted Gatherings

- 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 St 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

ISSUE 32

Health Minister's COVID-19

Special directions for the Newcastle and Hunter area

Public Health Act 2010

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021 was amended on 5 August 2021. These amendments commence at 5:00pm on 5 August 2021 and will expire at the beginning of 13 August 2021.

These directions apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 31 July 2021

in the local government areas (LGAs) of **City of Cessnock, City of Newcastle, Dungog, City of Lake Macquarie, City of Maitland, Muswellbrook, Port Stephens and Singleton** ("Newcastle and Hunter area").

The directions that apply to all of NSW still apply to the Newcastle and Hunter area.

IMPORTANT TEMPORARY EXEMPTION: A person is permitted to leave home and enter the Newcastle and Hunter area and participate in an outdoor gathering and attend a person's place of residence in the Newcastle and Hunter area for a funeral or memorial service, a wedding, or a gathering immediately following **until the end of 7 August 2021**. Pubs and registered clubs, food and drink premises, entertainment facilities, recreation facilities (indoor) and places of public worship may open to members of the public for these purposes until the end of 7 August 2021. This exemption applies to an affected person who has not been in Greater Sydney (including Blue Mountains, Wollongong, Central Coast, and Shellharbour) in the previous 14 days).

Note on police powers

- **Under this Order, an adult who is the Newcastle and Hunter area must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- **An adult who is in the Newcastle and Hunter area and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- **A person travelling in a vehicle in the Newcastle and Hunter area with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.

- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

STAY AT HOME

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms from the person's home or temporary accommodation. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence

- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - (i) undertaken within the person's LGA within the Newcastle and Hunter area, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - (ii) no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
 - (iii) for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside of the Newcastle and Hunter area it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in the Newcastle and Hunter area to leave if:

- (i) the temporary booking has expired, and
- (ii) the person goes directly to their own place of residence or other temporary accommodation, and

(iii) does not leave that accommodation without a reasonable excuse.

* The above does not apply to the homeless.

Exemption: a person who is going home outside the Newcastle and Hunter area and who has only been in the Newcastle and Hunter area in the previous 14 days under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Newcastle and Hunter area subject to conditions:

- the person must travel by suitable transport out of the Newcastle and Hunter area, and
- the person must take all reasonably practicable steps to not enter any premises in Newcastle and Hunter area while leaving the Newcastle and Hunter area, and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in the Newcastle Hunter area, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving the Newcastle and Hunter area to go to their home outside of Newcastle and Hunter area.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of the Newcastle and Hunter area.

Exemption: a person:

- whose residence is in NSW and outside the Newcastle and Hunter area, and
- who enters the Newcastle and Hunter area for the sole purpose of being vaccinated for COVID-19 or is providing care and support to such a person, and
- has not been in Greater Sydney in the last 14 days or the Newcastle and Hunter area on or after 31 July 2021

is exempt from the stay at home rule if the person:

- travels to and from the Newcastle and Hunter area by private vehicle by the most practicable direct route with no other persons except another exempt person
- does not stay overnight in the Newcastle and Hunter area
- leaves the Newcastle and Hunter area as soon as reasonably possible after receiving the vaccine
- takes all reasonably practicable steps to not enter any premises in the Newcastle and Hunter area other than the place where the person or another exempt person is receiving the COVID-19 vaccine.

WORKING FROM HOME

In the Newcastle and Hunter area an employer must require an employee to work from home if reasonably practicable.

LEAVING NEWCASTLE AND HUNTER AREA

An adult leaving the Newcastle or Hunter area must carry evidence of their name and address or temporary accommodation and produce it to police on request.

AUTHORISED VISITORS TO PLACES OF RESIDENCE

Each adult member of a household must not allow a visitor to be at their home in the Newcastle and Hunter area unless the visitor is an authorised visitor. Similarly, a person must not visit a home in the Newcastle and Hunter area unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

A person who lives alone in the Newcastle and Hunter area may nominate visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor also resides in the Newcastle and Hunter area only.

WORKERS IN PLACES OF RESIDENCE

A worker is authorised to visit home in the Newcastle and Hunter area.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- (i) no more than 2 workers are present (prescribed or other work).
- (ii) no more than 5 workers are present for outdoors work (prescribed or other work)
- (iii) only workers are in the same room together.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or
- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

ENTERING NEWCASTLE AND HUNTER AREA

A person must not enter the Newcastle and Hunter area without a reasonable excuse.

A reasonable excuse to enter the Newcastle and Hunter areas is:

- to go to the person's home in the Newcastle and Hunter area
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside the Newcastle and Hunter area
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together

- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of the Newcastle and Hunter area and who enters the Newcastle and Hunter area for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from the Newcastle and Hunter area by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves the Newcastle and Hunter area as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in the Newcastle and Hunter area other than where they are to receive the COVID-19 vaccine.

TRAVELLING THROUGH THE HUNTER AND NEWCASTLE AREAS

A person is able to enter the Newcastle and Hunter area if the person:

- travels through the Newcastle and Hunter areas and does not leave their vehicle while in the Newcastle and Hunter area, or
- enters the Newcastle and Hunter area by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in the Newcastle and Hunter area, or
- enters the Newcastle and Hunter area by vessel or aircraft and travels directly to leave the Newcastle and Hunter area by the most practicable route, or
- enters the Newcastle and Hunter area to go to a port or airport to leave the Newcastle and Hunter area and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

LIMITS ON OUTDOOR GATHERINGS

A person must not participate in an outdoor public gathering in the Newcastle and Hunter area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household

- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

CLOSURE OF CERTAIN PREMISES IN NEWCASTLE AND HUNTER AREA

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food

- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in the Newcastle and Hunter area:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

CLOSURE OF RETAIL PREMISES IN NEWCASTLE AND HUNTER AREA

All retail premises in the Newcastle and Hunter area must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in the Newcastle and Hunter area

- cellar door premises as outlined above under Closure of certain premises in the Newcastle and Hunter area
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

LIMITED EXCEPTIONS TO THE REQUIREMENT THAT PREMISES MUST NOT BE OPEN TO THE PUBLIC

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

CAR POOLING

A person must not travel in a vehicle in the Newcastle and Hunter area with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in the Newcastle and Hunter area with another person who is not from the same household.

WEARING FITTED FACE COVERINGS IN NEWCASTLE AND HUNTER AREA

There are a number of circumstances in which people in the Newcastle and Hunter area must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW in Fact Sheet 28.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$500
	96588 (Not wear fitted face covering in licensed gaming area)	\$500
	96589 (Not wear fitted face covering in entertainment facility)	\$500
	96590 (Not wear fitted face covering in place of public worship etc)	\$500
	96591 (Not wear fitted face covering residential aged care facility)	\$500
	96592 (Not wear fitted face covering public transport waiting area)	\$500
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$500
	96594 (Not wear fitted face covering - hospitality venue worker)	\$500
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$500
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
96953 (Not wear face covering in indoor area of non-residential premises)	\$500	

	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$500
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney or Newcastle and Hunter)	\$500
	96960 (Fail to comply with any other wear face covering directive) – individual	\$500
	896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96587 (Not wear fitted face covering in retail/business premises) 96588 (Not wear fitted face covering in licensed gaming area) 96589 (Not wear fitted face covering in entertainment facility) 96590 (Not wear fitted face covering in place of public worship etc) 96591 (Not wear fitted face covering residential aged care facility) 96592 (Not wear fitted face covering public transport waiting area) 96593 (Not wear fitted face covering in public transport/taxi etc) 96594 (Not wear fitted face covering - hospitality venue worker) 96595 (Operator not ensure hospitality workers wear fitted face coverings - individual) 896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation) 96953 (Not wear face covering in indoor area of non-residential premises) 96954 (Not wear fitted face covering in prescribed outdoor gathering) 97001 (Not wear fitted face covering indoor area of common property – Greater Sydney or Newcastle and Hunter) 96960 (Fail to comply with any other wear face covering directive) – individual 896960 (Fail to comply with any other wear face covering directive) –	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

	corporation	
	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	

Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

ISSUE 32

Health Minister's COVID-19

Special directions for the Newcastle and Hunter area

Public Health Act 2010

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021 was amended on 5 August 2021. These amendments commence at 5:00pm on 5 August 2021 and will expire at the beginning of 13 August 2021.

These directions apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 31 July 2021

in the local government areas (LGAs) of **City of Cessnock, City of Newcastle, Dungog, City of Lake Macquarie, City of Maitland, Muswellbrook, Port Stephens and Singleton** ("Newcastle and Hunter area").

The directions that apply to all of NSW still apply to the Newcastle and Hunter area.

IMPORTANT TEMPORARY EXEMPTION: A person is permitted to leave home and enter the Newcastle and Hunter area and participate in an outdoor gathering and attend a person's place of residence in the Newcastle and Hunter area for a funeral or memorial service, a wedding, or a gathering immediately following **until the end of 7 August 2021**. Pubs and registered clubs, food and drink premises, entertainment facilities, recreation facilities (indoor) and places of public worship may open to members of the public for these purposes until the end of 7 August 2021. This exemption applies to an affected person who has not been in Greater Sydney (including Blue Mountains, Wollongong, Central Coast, and Shellharbour) in the previous 14 days).

Note on police powers

- **Under this Order, an adult who is the Newcastle and Hunter area must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- **An adult who is in the Newcastle and Hunter area and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- **A person travelling in a vehicle in the Newcastle and Hunter area with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.

- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

STAY AT HOME

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms from the person's home or temporary accommodation. A person who is at least 18 years of age must carry evidence of name and address of temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence

- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - (i) undertaken within the person's LGA within the Newcastle and Hunter area, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - (ii) no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
 - (iii) for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside of the Newcastle and Hunter area it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in the Newcastle and Hunter area to leave if:

- (i) the temporary booking has expired, and
- (ii) the person goes directly to their own place of residence or other temporary accommodation, and

(iii) does not leave that accommodation without a reasonable excuse.

* The above does not apply to the homeless.

Exemption: a person who is going home outside the Newcastle and Hunter area and who has only been in the Newcastle and Hunter area in the previous 14 days under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Newcastle and Hunter area subject to conditions:

- the person must travel by suitable transport out of the Newcastle and Hunter area, and
- the person must take all reasonably practicable steps to not enter any premises in Newcastle and Hunter area while leaving the Newcastle and Hunter area, and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in the Newcastle Hunter area, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving the Newcastle and Hunter area to go to their home outside of Newcastle and Hunter area.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of the Newcastle and Hunter area.

Exemption: a person:

- whose residence is in NSW and outside the Newcastle and Hunter area, and
- who enters the Newcastle and Hunter area for the sole purpose of being vaccinated for COVID-19 or is providing care and support to such a person, and
- has not been in Greater Sydney in the last 14 days or the Newcastle and Hunter area on or after 31 July 2021

is exempt from the stay at home rule if the person:

- travels to and from the Newcastle and Hunter area by private vehicle by the most practicable direct route with no other persons except another exempt person
- does not stay overnight in the Newcastle and Hunter area
- leaves the Newcastle and Hunter area as soon as reasonably possible after receiving the vaccine
- takes all reasonably practicable steps to not enter any premises in the Newcastle and Hunter area other than the place where the person or another exempt person is receiving the COVID-19 vaccine.

WORKING FROM HOME

In the Newcastle and Hunter area an employer must require an employee to work from home if reasonably practicable.

LEAVING NEWCASTLE AND HUNTER AREA

An adult leaving the Newcastle or Hunter area must carry evidence of their name and address or temporary accommodation and produce it to police on request.

AUTHORISED VISITORS TO PLACES OF RESIDENCE

Each adult member of a household must not allow a visitor to be at their home in the Newcastle and Hunter area unless the visitor is an authorised visitor. Similarly, a person must not visit a home in the Newcastle and Hunter area unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

A person who lives alone in the Newcastle and Hunter area may nominate visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor also resides in the Newcastle and Hunter area only.

WORKERS IN PLACES OF RESIDENCE

A worker is authorised to visit home in the Newcastle and Hunter area.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- (i) no more than 2 workers are present (prescribed or other work).
- (ii) no more than 5 workers are present for outdoors work (prescribed or other work)
- (iii) only workers are in the same room together.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or
- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

ENTERING NEWCASTLE AND HUNTER AREA

A person must not enter the Newcastle and Hunter area without a reasonable excuse.

A reasonable excuse to enter the Newcastle and Hunter areas is:

- to go to the person's home in the Newcastle and Hunter area
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside the Newcastle and Hunter area
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together

- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of the Newcastle and Hunter area and who enters the Newcastle and Hunter area for the sole purpose of a COVID-19 vaccine (“exempt person”), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from the Newcastle and Hunter area by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves the Newcastle and Hunter area as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in the Newcastle and Hunter area other than where they are to receive the COVID-19 vaccine.

TRAVELLING THROUGH THE HUNTER AND NEWCASTLE AREAS

A person is able to enter the Newcastle and Hunter area if the person:

- travels through the Newcastle and Hunter areas and does not leave their vehicle while in the Newcastle and Hunter area, or
- enters the Newcastle and Hunter area by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in the Newcastle and Hunter area, or
- enters the Newcastle and Hunter area by vessel or aircraft and travels directly to leave the Newcastle and Hunter area by the most practicable route, or
- enters the Newcastle and Hunter area to go to a port or airport to leave the Newcastle and Hunter area and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

LIMITS ON OUTDOOR GATHERINGS

A person must not participate in an outdoor public gathering in the Newcastle and Hunter area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household

- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

CLOSURE OF CERTAIN PREMISES IN NEWCASTLE AND HUNTER AREA

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food

- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in the Newcastle and Hunter area:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

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All retail premises in the Newcastle and Hunter area must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in the Newcastle and Hunter area

- cellar door premises as outlined above under Closure of certain premises in the Newcastle and Hunter area
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

LIMITED EXCEPTIONS TO THE REQUIREMENT THAT PREMISES MUST NOT BE OPEN TO THE PUBLIC

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground on 5 August 2021 and who is continuing to stay at the caravan park or camping ground in the Newcastle and Hunter area under a booking:

- that was made before 5 August 2021, and
- that has not been extended after 5 August 2021.

CAR POOLING

A person must not travel in a vehicle in the Newcastle and Hunter area with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in the Newcastle and Hunter area with another person who is not from the same household.

WEARING FITTED FACE COVERINGS IN NEWCASTLE AND HUNTER AREA

There are a number of circumstances in which people in the Newcastle and Hunter area must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW in Fact Sheet 28.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$500
	96588 (Not wear fitted face covering in licensed gaming area)	\$500
	96589 (Not wear fitted face covering in entertainment facility)	\$500
	96590 (Not wear fitted face covering in place of public worship etc)	\$500
	96591 (Not wear fitted face covering residential aged care facility)	\$500
	96592 (Not wear fitted face covering public transport waiting area)	\$500
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$500
	96594 (Not wear fitted face covering - hospitality venue worker)	\$500
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$500

	<p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney or Newcastle and Hunter)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p>	<p>\$1000</p> <p>\$500</p> <p>\$500</p> <p>\$500</p> <p>\$500</p> <p>\$1000</p>
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	<p>96587 (Not wear fitted face covering in retail/business premises)</p> <p>96588 (Not wear fitted face covering in licensed gaming area)</p> <p>96589 (Not wear fitted face covering in entertainment facility)</p> <p>96590 (Not wear fitted face covering in place of public worship etc)</p> <p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property –</p>	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

	<p>Greater Sydney or Newcastle and Hunter)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

ISSUE 32

Health Minister's COVID-19

Special directions for the Newcastle and Hunter, Armidale, Tamworth and Northern Rivers areas.

Public Health Act 2010

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021 was amended on 9 August 2021.

These directions apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 31 July 2021

in the local government areas (LGAs) of **City of Cessnock, City of Newcastle, Dungog, City of Lake Macquarie, City of Maitland, Muswellbrook, Port Stephens and Singleton** ("Newcastle and Hunter area").

The **Newcastle and Hunter area directions** commence at 5:00pm on 5 August 2021 and will expire at the beginning of 13 August 2021.

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021 was further amended on 7 August 2021.

These directions apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 29 July 2021

in the Armidale Regional local government area (LGA) ("**Armidale area**").

The **Armidale area directions** commence at 5:00pm on 7 August 2021 and will expire at the beginning of 15 August 2021.

These directions apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 5 August 2021

in the Tamworth Regional local government area (LGA) ("**Tamworth area**").

The **Tamworth area directions** commence at 5:00pm on 9 August 2021 and will expire at the beginning of 17 August 2021.

These directions apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 31 July 2021

in the LGAs of Ballina, Byron, City of Lismore and Richmond Valley ("**Northern Rivers area**").

The **Northern Rivers area directions** commence at 6:00pm on 9 August 2021 and will expire at the beginning of 17 August 2021.

The directions that apply to all of NSW still apply to the Newcastle and Hunter area, the Armidale area, the Tamworth area and the Northern Rivers area.

IMPORTANT TEMPORARY EXEMPTION: A person is permitted to leave home and enter the the Armidale, Tamworth or Northern Rivers areas and participate in an outdoor gathering and attend a person's place of residence in the Armidale, Tamworth or Northern Rivers areas for a funeral or memorial service, a wedding, or a gathering immediately following. Pubs and registered clubs, food and drink premises, entertainment facilities, recreation facilities (indoor) and places of public worship may open to members of the public for these purposes only until the end of 9 August 2021 for the Armidale area and the end of 11 August 2021 for the Tamworth and Northern Rivers areas. This exemption applies to an affected person who has not been in Greater Sydney (including Blue Mountains, Wollongong, Central Coast, and Shellharbour) in the previous 14 days), and for Armidale residents, has not been in the Newcastle and Hunter area since 31 July 2021 or the Tamworth area since 5 August 2021 , and for Tamworth residents, has not been in the Newcastle and Hunter area since 31 July 2021 or the Armidale area since 29 July 2021, and for Northern Rivers residents, has not been in the Newcastle and Hunter area since 31 July 2021 or the Armidale area since 29 July 2021 or the Tamworth area since 5 August 2021.

This exemption applies for the **Armidale area until the end of 9 August 2021** and the **Tamworth area and Northern Rivers area until the end of 11 August 2021**

Note on police powers

- **Under this Order, an adult who is the Newcastle and Hunter area or the Armidale area, Tamworth area or Northern Rivers area must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- **An adult who is in the Newcastle and Hunter area, Armidale area, Tamworth area or Northern Rivers area and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- **A person travelling in a vehicle in the Newcastle and Hunter area, Armidale area, Tamworth area or Northern Rivers area with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating

the offence, establish the person's identity etc.

- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

STAY AT HOME

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms from the person's home or temporary accommodation. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:

- (i) undertaken within the person's LGA either within the Newcastle and Hunter area, or within the Armidale area, or within the Tamworth area, or within the Northern Rivers area, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
- (ii) no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
- (iii) for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside of the Newcastle and Hunter area, Armidale area, Tamworth area or Northern Rivers area, it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in the Newcastle and Hunter area or in the Armidale area, Tamworth area or Northern Rivers area to leave if:

- (i) the temporary booking has expired, and
- (ii) the person goes directly to their own place of residence or other temporary accommodation, and
- (iii) does not leave that accommodation without a reasonable excuse.

* The above does not apply to the homeless.

Exemption: a person who is going home outside the Newcastle and Hunter area and who has only been in the Newcastle and Hunter area in the previous 14 days under self-isolation (under the Self Isolation Order), is exempt from the stay at home rule when outside of Newcastle and Hunter area subject to conditions:

- the person must travel by suitable transport out of the Newcastle and Hunter area, and
- the person must take all reasonably practicable steps to not enter any premises in Newcastle and Hunter area while leaving the Newcastle and Hunter area, and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in the Newcastle Hunter area, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine.

The person must be leaving the Newcastle and Hunter area to go to their home outside of Newcastle and Hunter area.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of the Newcastle and Hunter area.

Exemption: a person:

- whose residence is in NSW and outside the Newcastle and Hunter area, and
- who enters the Newcastle and Hunter area for the sole purpose of being vaccinated for COVID-19 or is providing care and support to such a person, and
- has not been in Greater Sydney in the last 14 days or the Newcastle and Hunter area on or after 31 July 2021

is exempt from the stay at home rule if the person:

- travels to and from the Newcastle and Hunter area by private vehicle by the most practicable direct route with no other persons except another exempt person
- does not stay overnight in the Newcastle and Hunter area
- leaves the Newcastle and Hunter area as soon as reasonably possible after receiving the vaccine
- takes all reasonably practicable steps to not enter any premises in the Newcastle and Hunter area other than the place where the person or another exempt person is receiving the COVID-19 vaccine.

WORKING FROM HOME

In the Newcastle and Hunter area, Armidale area, Tamworth area and Northern Rivers area an employer must require an employee to work from home if reasonably practicable.

LEAVING NEWCASTLE AND HUNTER AREA OR THE ARMIDALE AREA OR TAMWORTH AREA OR NORTHERN RIVERS AREA

An adult leaving the Newcastle or Hunter area or leaving the Armidale area or Tamworth area or Northern Rivers area, must carry evidence of their name and address or temporary accommodation and produce it to police on request.

AUTHORISED VISITORS TO PLACES OF RESIDENCE

Each adult member of a household must not allow a visitor to be at their home in the Newcastle and Hunter area, Armidale area, Tamworth area or Northern Rivers area, unless the visitor is an authorised visitor. Similarly, a person must not visit a home in the Newcastle and Hunter area, or the Armidale area, Tamworth area or Northern Rivers area unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

A person who lives alone in the Newcastle and Hunter area, Armidale area, Tamworth area or Northern Rivers area, may nominate a visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- if the person lives in the Newcastle and Hunter area, the nominated visitor also resides in that area, or
- if the person lives in the Armidale area, the nominated visitor also resides in that area, or
- if the person lives in the Tamworth area, the nominated visitor also resides in that area, or
- if the person lives in the Northern Rivers area, the nominated visitor also resides in that area.

WORKERS IN PLACES OF RESIDENCE

A worker from the Newcastle and Hunter area is authorised to visit a home in the Newcastle and Hunter area. A worker from the Armidale area is authorised to visit a home in the Armidale area. A worker from the Tamworth area is authorised to visit a home in the Tamworth area. A worker from the Northern Rivers area is authorised to visit a home in the Northern Rivers area.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- (i) no more than 2 workers are present (prescribed or other work).
- (ii) no more than 5 workers are present for outdoors work (prescribed or other work)
- (iii) only workers are in the same room together.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or
- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

ENTERING NEWCASTLE AND HUNTER AREA, ARMIDALE AREA, TAMWORTH AREA AND THE NORTHERN RIVERS AREA

A person must not enter the Newcastle and Hunter area or the Armidale area or the Tamworth area or the Northern Rivers area without a reasonable excuse.

A reasonable excuse to enter the Newcastle and Hunter area or Armidale area or Tamworth area or Northern Rivers area is:

- to go to the person's home in the Newcastle and Hunter area or the Armidale area or Tamworth area or Northern Rivers area
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside the Newcastle and Hunter area or the Armidale area or Tamworth area or Northern Rivers area
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

Exemption: a person who lives in NSW but outside of the Newcastle and Hunter area and who enters the Newcastle and Hunter area for the sole purpose of a COVID-19 vaccine ("exempt person"), OR a person who is providing care to that person, is exempt from the stay at home orders once they return to their home, if the exempt person:

- travels by the most practicable direct route to and from the Newcastle and Hunter area by a private vehicle and not by public transport and travels with no one else (except another exempt person), and
- does not stay overnight and leaves the Newcastle and Hunter area as soon as reasonably possible after receiving the vaccine, and
- takes all reasonably practicable steps to not enter any premises in the Newcastle and Hunter area other than where they are to receive the COVID-19 vaccine.

TRAVELLING THROUGH THE HUNTER AND NEWCASTLE AREA, ARMIDALE AREA, TAMWORTH AREA OR NORTHERN RIVERS AREA

A person is able to enter the Newcastle and Hunter areas or the Armidale area or the Tamworth area or the Northern Rivers area if the person:

- travels through the Newcastle and Hunter areas or the Armidale area or the Tamworth area or the Northern Rivers area and does not leave their vehicle while in the Newcastle and Hunter areas, or the Armidale area or the Tamworth area, or

- enters the Newcastle and Hunter area, or the Armidale area, or the Tamworth area, or the Northern Rivers area, by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in the Newcastle and Hunter area, or the Armidale area, or the Tamworth area, or the Northern Rivers area, or
- enters the Newcastle and Hunter area, or the Armidale area, or the Tamworth area, or the Northern Rivers area, by vessel or aircraft and travels directly to leave the Newcastle and Hunter areas, or the Armidale area, or the Tamworth area, by the most practicable route, or
- enters the Newcastle and Hunter area, or the Armidale area, or the Tamworth area, or the Northern Rivers area, to go to a port or airport to leave the Newcastle and Hunter area, or the Armidale area, or the Tamworth area and travels to the port or airport by the most practicable route.

Note: travelling by the ‘most practicable route’ does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

LIMITS ON OUTDOOR GATHERINGS

A person must not participate in an outdoor public gathering in the Newcastle and Hunter area, the Armidale area, the Tamworth area or the Northern Rivers area, of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

CLOSURE OF CERTAIN PREMISES IN NEWCASTLE AND HUNTER AREA, ARMIDALE AREA, TAMWORTH AREA AND NORTHERN RIVERS AREA

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or

- (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
- (iii) for a shopping centre, selling take-away food or beverages
- (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of –
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust

- gaming lounges
- strip clubs.

A person is also prohibited from conducting in the Newcastle and Hunter area and the Armidale area and the Tamworth area and the Northern Rivers area:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

CLOSURE OF RETAIL PREMISES IN NEWCASTLE AND HUNTER AREA, ARMIDALE AREA, TAMWORTH AREA AND NORTHERN RIVERS AREA

All retail premises in the Newcastle and Hunter area, Armidale area, Tamworth area and Northern Rivers area must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in the Newcastle and Hunter area, Armidale area, Tamworth area and Northern Rivers area
- cellar door premises as outlined above under Closure of certain premises in the Newcastle and Hunter area, Armidale area, Tamworth area and Northern Rivers area
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

LIMITED EXCEPTIONS TO THE REQUIREMENT THAT PREMISES MUST NOT BE OPEN TO THE PUBLIC

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground on 5 August 2021 and who is continuing to stay at the caravan park or camping ground in the Newcastle and Hunter area under a booking:

- that was made before 5 August 2021, and
- that has not been extended after 5 August 2021.

Where a person who was staying at a caravan park or camping ground on 7 August 2021 and who is continuing to stay at the caravan park or camping ground in the Armidale area under a booking:

- that was made before 7 August 2021, and
- that has not been extended after 7 August 2021.

Where a person who was staying at a caravan park or camping ground on 9 August 2021 and who is continuing to stay at the caravan park or camping ground in the Tamworth area or Northern Rivers area under a booking:

- that was made before 9 August 2021, and
- that has not been extended after 9 August 2021.

CAR POOLING

A person must not travel in a vehicle in the Newcastle and Hunter area, Armidale area, Tamworth area or Northern Rivers area, with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian

jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in the Newcastle and Hunter area, Armidale area, Tamworth area or the Northern Rivers area with another person who is not from the same household.

WEARING FITTED FACE COVERINGS IN NEWCASTLE AND HUNTER AREA, ARMIDALE AREA, TAMWORTH AREA AND NORTHERN RIVERS AREA

There are a number of circumstances in which people in the Newcastle and Hunter area, Armidale area, Tamworth area and Northern Rivers area must wear and carry fitted face coverings. Please see requirements below under Directions that apply to all NSW in Fact Sheet 28.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$500
	96588 (Not wear fitted face covering in licensed gaming area)	\$500
	96589 (Not wear fitted face covering in entertainment facility)	\$500
	96590 (Not wear fitted face covering in place of public worship etc)	\$500
	96591 (Not wear fitted face covering residential aged care facility)	\$500
	96592 (Not wear fitted face covering public transport waiting area)	\$500
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$500
	96594 (Not wear fitted face covering - hospitality venue worker)	\$500
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$500

	<p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney or Newcastle and Hunter or Armidale or Tamworth or Northern Rivers)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p>	<p>\$1000</p> <p>\$500</p> <p>\$500</p> <p>\$500</p> <p>\$500</p> <p>\$1000</p>
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	<p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) - Individual</p>	<p>\$1000</p> <p>\$2000</p>
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	<p>96587 (Not wear fitted face covering in retail/business premises)</p> <p>96588 (Not wear fitted face covering in licensed gaming area)</p> <p>96589 (Not wear fitted face covering in entertainment facility)</p> <p>96590 (Not wear fitted face covering in place of public worship etc)</p> <p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p>	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

	<p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney or Newcastle and Hunter or Armidale)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) - Individual</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	
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Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

ISSUE 32

Health Minister's COVID-19

Special directions for the affected Regional Areas.

Public Health Act 2010

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021 has been amended to include special conditions for affected regional areas.

Each below mentioned LGA is an *affected regional area*.

These directions apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 31 July 2021

in the local government areas (LGAs) of **City of Cessnock, City of Newcastle, Dungog, City of Lake Macquarie, City of Maitland, Muswellbrook, Port Stephens and Singleton** (“Newcastle and Hunter area”).

The **Newcastle and Hunter area directions** commence at 5:00pm on 5 August 2021 and will expire at the beginning of 13 August 2021.

These directions also apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 29 July 2021

in the Armidale Regional local government area (LGA) (“**Armidale area**”).

The **Armidale area directions** commence at 5:00pm on 7 August 2021 and will expire at the beginning of 15 August 2021.

These directions also apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 5 August 2021

in the Tamworth Regional local government area (LGA) (“**Tamworth area**”).

The **Tamworth area directions** commence at 5:00pm on 9 August 2021 and will expire at the beginning of 17 August 2021.

These directions also apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 31 July 2021

in the LGAs of **Ballina, Byron, City of Lismore and Richmond Valley** (“**Northern Rivers area**”).

The **Northern Rivers area directions** commence at 6:00pm on 9 August 2021 and will expire at the beginning of 17 August 2021.

These directions also apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 1 August 2021

in the Dubbo Regional LGA (“**Dubbo area**”).

The **Dubbo area directions** commence at 1:00pm on 11 August 2021 and will expire at the beginning of 19 August 2021.

These directions also apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 5 August 2021

in the LGAs of **Bogan, Bourke, Brewarrina, Coonamble, Gilgandra, Narromine, Walgett, and Warren** (“**Far North area**”).

The **Far North area directions** commence from 8pm on 11 August 2021 and will expire at the beginning of 19 August 2021.

The directions that apply to all of NSW still apply to the affected regional areas.

IMPORTANT TEMPORARY EXEMPTION: A person is permitted to leave home and enter the Tamworth, Northern Rivers, Dubbo and Far North areas and participate in an outdoor gathering and attend a person’s place of residence in the Tamworth, Northern Rivers, Dubbo or Far North areas for a funeral or memorial service, a wedding, or a gathering immediately following. Pubs and registered clubs, food and drink premises, entertainment facilities, recreation facilities (indoor) and places of public worship may open to members of the public for these purposes only until the end of 11 August 2021 for the Tamworth and Northern Rivers areas. This exemption applies to an affected person who has not been in Greater Sydney (including Blue Mountains, Wollongong, Central Coast, and Shellharbour) in the previous 14 days), and for Tamworth residents, has not been in the Newcastle and Hunter area since 31 July 2021 or the Armidale area since 29 July 2021, and for Northern Rivers residents, has not been in the Newcastle and Hunter area since 31 July 2021 or the Armidale area since 29 July 2021 or the Tamworth area since 5 August 2021, for Dubbo residents, has not been in the Newcastle and Hunter area since 31 July 2021 or the Armidale area since 29 July 2021 or the Tamworth area since 5 August 2021 or the Northern Rivers area since 1 August 2021, and for Far North area residents, has not been in the Newcastle and Hunter area since 31 July 2021 or the Armidale area since 29 July 2021 or the Tamworth area since 5 August 2021 or the Northern Rivers area since 1 August 2021 or the Dubbo area since 1 August 2021.

This exemption applies for the **Tamworth area and Northern Rivers area until the end of 11 August 2021 and the Dubbo and Far North areas until the end of 13 August 2021.**

Note on police powers

- **Under this Order, an adult who is leaving an affected regional area must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**

- An adult who is in an affected regional area and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- An adult who is in an affected regional area and leaves home to obtain food or goods and services must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in an affected regional area with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

STAY AT HOME

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or

- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms from the person's home or temporary accommodation. A person who is at least 18 years of age must carry evidence of name and address of temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - (i) undertaken within the person's LGA, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - (ii) no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
 - (iii) for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside an affected regional area, it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend outside their own LGA.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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

- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an affected regional area to leave if:

- (i) the temporary booking has expired, and
- (ii) the person goes directly to their own place of residence or other temporary accommodation, and
- (iii) does not leave that accommodation without a reasonable excuse.

* The above does not apply to the homeless.

Exemption: a person who is going home outside any Affected Regional area and who has only been in an Affected Regional area in the previous 14 days under self-isolation (under the Self Isolation Order) or in a quarantine or medical facility, is exempt from the stay at home rule when outside of the Affected Regional area subject to conditions:

- the person must travel by suitable transport out of the Affected Regional area, and
- the person must take all reasonably practicable steps to not enter any premises in the Affected Regional area while leaving the Affected Regional area, and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in the Affected Regional area, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine, and
- the person must not enter any Affected Regional area other than the Affected Regional area in which they were self isolating or quarantining except to travel home by the most practicable direct route.

The person must be leaving the Affected Regional area to go to their home outside of Affected Regional area.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of the Affected Regional area.

Exemption: a person:

- whose residence is in NSW and outside an Affected Regional area, and
 - who enters Affected Regional area for the sole purpose of being vaccinated for COVID-19 or is providing care and support to such a person, and
 - has not been in Greater Sydney or an Affected Regional area in the last 14 days
- is exempt from the stay at home rule if the person:
- travels to and from the Affected Regional area by private vehicle by the most practicable direct route with no other persons except another exempt person
 - does not stay overnight in the Affected Regional area
 - leaves the Affected Regional area as soon as reasonably possible after receiving the vaccine

- takes all reasonably practicable steps to not enter any premises in the Affected Regional area other than the place where the person or another exempt person is receiving the COVID-19 vaccine.

WORKING FROM HOME

In an affected regional area an employer must require an employee to work from home if reasonably practicable.

LEAVING AN AFFECTED REGIONAL AREA

An adult leaving an affected regional area, must carry evidence of their name and address or temporary accommodation and produce it to police on request.

AUTHORISED VISITORS TO PLACES OF RESIDENCE

Each adult member of a household must not allow a visitor to be at their home in an affected regional area, unless the visitor is an authorised visitor. Similarly, a person must not visit a home in the affected regional area unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

A person who lives alone in an affected regional area, may nominate a visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and

- if the person lives in the Newcastle and Hunter area, the nominated visitor also resides in that area, or
- if the person lives in the Armidale area, the nominated visitor also resides in that area, or
- if the person lives in the Tamworth area, the nominated visitor also resides in that area, or
- if the person lives in the Northern Rivers area, the nominated visitor also resides in that area, or
- if the person lives in the Dubbo area, the nominated visitor also resides in that area, or
- if the person lives in the Far North area, the nominated visitor also resides in that area.

WORKERS IN PLACES OF RESIDENCE

A worker from the Newcastle and Hunter area is authorised to visit a home in the Newcastle and Hunter area. A worker from the Armidale area is authorised to visit a home in the Armidale area. A worker from the Tamworth area is authorised to visit a home in the Tamworth area. A worker from the Northern Rivers area is authorised to visit a home in the Northern Rivers area. A worker from the Dubbo area is authorised to visit a home in the Dubbo area. A worker from the Far North area is authorised to visit a home in the Far North area.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- (i) no more than 2 workers are present (prescribed or other work).
- (ii) no more than 5 workers are present for outdoors work (prescribed or other work)
- (iii) only workers are in the same room together.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or
- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

ENTERING AN AFFECTED AREA

A person must not enter an affected regional area (including from another affected regional area) without reasonable excuse

A reasonable excuse to enter an affected regional area is:

- to go to the person's home in the affected regional area

- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside the affected regional area that they live in
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

TRAVELLING THROUGH AN AFFECTED AREA

A person is able to enter an affected regional area if the person:

- travels through the affected regional area and does not leave their vehicle while in the affected regional area, or
- enters the affected regional area by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in the affected regional area, or
- enters the affected regional area by vessel or aircraft and travels directly to leave the affected regional area, or
- enters the affected regional area, to go to a port or airport to leave the affected regional area and travels to the port or airport by the most practicable route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

LIMITS ON OUTDOOR GATHERINGS

A person must not participate in an outdoor public gathering in an affected regional area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

CLOSURE OF CERTAIN PREMISES IN AN AFFECTED REGIONAL AREA

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,

- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of:
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in an affected regional area:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

CLOSURE OF RETAIL PREMISES IN AN AFFECTED AREA

All retail premises in an affected regional area must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)

- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in an affected regional area
- cellar door premises as outlined above under Closure of certain premises an affected regional area
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

LIMITED EXCEPTIONS TO THE REQUIREMENT THAT PREMISES MUST NOT BE OPEN TO THE PUBLIC

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground on 5 August 2021 and who is continuing to stay at the caravan park or camping ground in the Newcastle and Hunter area under a booking:

- that was made before 5 August 2021, and
- that has not been extended after 5 August 2021.

Where a person who was staying at a caravan park or camping ground on 7 August 2021 and who is continuing to stay at the caravan park or camping ground in the Armidale area under a booking:

- that was made before 7 August 2021, and
- that has not been extended after 7 August 2021.

Where a person who was staying at a caravan park or camping ground on 9 August 2021 and who is continuing to stay at the caravan park or camping ground in the Tamworth area or Northern Rivers area under a booking:

- that was made before 9 August 2021, and
- that has not been extended after 9 August 2021.

Where a person who was staying at a caravan park or camping ground on 11 August 2021 and who is continuing to stay at the caravan park or camping ground in the Dubbo or Far North area or under a booking:

- that was made before 11 August 2021, and
- that has not been extended after 11 August 2021.

CAR POOLING

A person must not travel in a vehicle in an affected regional area with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in the Newcastle and Hunter area, Armidale area, Tamworth area or the Northern Rivers area with another person who is not from the same household.

WEARING FITTED FACE COVERINGS IN AN AFFECTED REGIONAL AREA

There are a number of circumstances in which people in an affected regional area must wear and carry fitted face coverings. Please see requirements under Directions that apply to all NSW in Fact Sheet 28.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$500
	96588 (Not wear fitted face covering in licensed gaming area)	\$500
	96589 (Not wear fitted face covering in entertainment facility)	\$500
	96590 (Not wear fitted face covering in place of public worship etc)	\$500
	96591 (Not wear fitted face covering residential aged care facility)	\$500
	96592 (Not wear fitted face covering public transport waiting area)	\$500
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$500
	96594 (Not wear fitted face covering - hospitality venue worker)	\$500
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$500
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$500
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$500
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney which incl Affected Regional Area)	\$500
	96960 (Fail to comply with any other wear face covering directive) – individual	\$500
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
	97091 Employer fail to require employee to work from home (Greater Sydney which incl	\$2000

	Affected Regional Area) - Individual	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	<p>96587 (Not wear fitted face covering in retail/business premises)</p> <p>96588 (Not wear fitted face covering in licensed gaming area)</p> <p>96589 (Not wear fitted face covering in entertainment facility)</p> <p>96590 (Not wear fitted face covering in place of public worship etc)</p> <p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney or an affected Regional Area)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) - Individual</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

ISSUE 32

Health Minister's COVID-19

Special directions for the affected Regional Areas.

Public Health Act 2010

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021 has been amended to include special conditions for affected regional areas.

Each below mentioned LGA is an *affected regional area*.

These directions apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 31 July 2021

in the local government areas (LGAs) of **City of Cessnock, City of Newcastle, Dungog, City of Lake Macquarie, City of Maitland, Muswellbrook, Port Stephens and Singleton** ("Newcastle and Hunter area").

The **Newcastle and Hunter area directions** commence at 5:00pm on 5 August 2021 and will expire at the beginning of 20 August 2021.

These directions also apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 29 July 2021

in the Armidale Regional local government area (LGA) ("**Armidale area**").

The **Armidale area directions** commence at 5:00pm on 7 August 2021 and will expire at the beginning of 15 August 2021.

These directions also apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 5 August 2021

in the Tamworth Regional local government area (LGA) ("**Tamworth area**").

The **Tamworth area directions** commence at 5:00pm on 9 August 2021 and will expire at the beginning of 17 August 2021.

These directions also apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 31 July 2021

in the LGAs of **Ballina, Byron, City of Lismore and Richmond Valley** ("**Northern Rivers area**").

The **Northern Rivers area directions** commence at 6:00pm on 9 August 2021 and will expire at the beginning of 17 August 2021.

These directions also apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 1 August 2021

in the Dubbo Regional LGA (“**Dubbo area**”).

The **Dubbo area directions** commence at 1:00pm on 11 August 2021 and will expire at the beginning of 19 August 2021.

These directions also apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 5 August 2021

in the LGAs of **Bogan, Bourke, Brewarrina, Coonamble, Gilgandra, Narromine, Walgett, and Warren** (“**Far North area**”).

The **Far North area directions** commence from 8pm on 11 August 2021 and will expire at the beginning of 19 August 2021.

The directions that apply to all of NSW still apply to the affected regional areas.

Note: An affected person does not include a person who has not been in the affected regional area during the previous 14 days.

IMPORTANT TEMPORARY EXEMPTION: A person is permitted to leave home and enter the Tamworth, Northern Rivers, Dubbo and Far North areas and participate in an outdoor gathering and attend a person’s place of residence in the Tamworth, Northern Rivers, Dubbo or Far North areas for a funeral or memorial service, a wedding, or a gathering immediately following. Pubs and registered clubs, food and drink premises, entertainment facilities, recreation facilities (indoor) and places of public worship may open to members of the public for these purposes only until the end of 11 August 2021 for the Tamworth and Northern Rivers areas. This exemption applies to an affected person who has not been in Greater Sydney (including Blue Mountains, Wollongong, Central Coast, and Shellharbour) in the previous 14 days), and for Tamworth residents, has not been in the Newcastle and Hunter area since 31 July 2021 or the Armidale area since 29 July 2021, and for Northern Rivers residents, has not been in the Newcastle and Hunter area since 31 July 2021 or the Armidale area since 29 July 2021 or the Tamworth area since 5 August 2021, for Dubbo residents, has not been in the Newcastle and Hunter area since 31 July 2021 or the Armidale area since 29 July 2021 or the Tamworth area since 5 August 2021 or the Northern Rivers area since 1 August 2021, and for Far North area residents, has not been in the Newcastle and Hunter area since 31 July 2021 or the Armidale area since 29 July 2021 or the Tamworth area since 5 August 2021 or the Northern Rivers area since 1 August 2021 or the Dubbo area since 1 August 2021.

This exemption applies for the **Tamworth area and Northern Rivers area until the end of 11 August 2021 and the Dubbo and Far North areas until the end of 13 August 2021.**

Note on police powers

- **Under this Order, an adult who is leaving an affected regional area must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**

- An adult who is in an affected regional area and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- An adult who is in an affected regional area and leaves home to obtain food or goods and services must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in an affected regional area with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

STAY AT HOME

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or

- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms from the person's home or temporary accommodation. A person who is at least 18 years of age must carry evidence of name and address of temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - (i) undertaken within the person's LGA, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - (ii) no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
 - (iii) for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside an affected regional area, it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend outside their own LGA.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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

- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an affected regional area to leave if:

- (i) the temporary booking has expired, and
- (ii) the person goes directly to their own place of residence or other temporary accommodation, and
- (iii) does not leave that accommodation without a reasonable excuse.

* The above does not apply to the homeless.

Exemption: a person who is going home outside any Affected Regional area and who has only been in an Affected Regional area in the previous 14 days under self-isolation (under the Self Isolation Order) or in a quarantine or medical facility, is exempt from the stay at home rule when outside of the Affected Regional area subject to conditions:

- the person must travel by suitable transport out of the Affected Regional area, and
- the person must take all reasonably practicable steps to not enter any premises in the Affected Regional area while leaving the Affected Regional area, and
- the person must wear a mask and take reasonably practicable steps to remain 1.5 metres from any other person while in the Affected Regional area, and
- the person must take all reasonably practicable steps to be tested for COVID-19 two days after leaving isolation or quarantine, and
- the person must not enter any Affected Regional area other than the Affected Regional area in which they were self isolating or quarantining except to travel home by the most practicable direct route.

The person must be leaving the Affected Regional area to go to their home outside of Affected Regional area.

Suitable transport means travelling in a private vehicle, but not public transport/taxi/ride share and must travel by the most practicable direct route out of the Affected Regional area.

Exemption: a person:

- whose residence is in NSW and outside an Affected Regional area, and
- who enters Affected Regional area for the sole purpose of being vaccinated for COVID-19 or is providing care and support to such a person, and
- has not been in Greater Sydney or an Affected Regional area in the last 14 days is exempt from the stay at home rule if the person:
 - travels to and from the Affected Regional area by private vehicle by the most practicable direct route with no other persons except another exempt person
 - does not stay overnight in the Affected Regional area
 - leaves the Affected Regional area as soon as reasonably possible after receiving the vaccine

- takes all reasonably practicable steps to not enter any premises in the Affected Regional area other than the place where the person or another exempt person is receiving the COVID-19 vaccine.

WORKING FROM HOME

In an affected regional area an employer must require an employee to work from home if reasonably practicable.

LEAVING AN AFFECTED REGIONAL AREA

An adult leaving an affected regional area, must carry evidence of their name and address or temporary accommodation and produce it to police on request.

AUTHORISED VISITORS TO PLACES OF RESIDENCE

Each adult member of a household must not allow a visitor to be at their home in an affected regional area, unless the visitor is an authorised visitor. Similarly, a person must not visit a home in the affected regional area unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

A person who lives alone in an affected regional area, may nominate a visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and

- the nominated visitor has not been nominated as a visitor for another person, and
- if the person lives in the Newcastle and Hunter area, the nominated visitor also resides in that area, or
- if the person lives in the Armidale area, the nominated visitor also resides in that area, or
- if the person lives in the Tamworth area, the nominated visitor also resides in that area, or
- if the person lives in the Northern Rivers area, the nominated visitor also resides in that area, or
- if the person lives in the Dubbo area, the nominated visitor also resides in that area, or
- if the person lives in the Far North area, the nominated visitor also resides in that area.

WORKERS IN PLACES OF RESIDENCE

A worker from the Newcastle and Hunter area is authorised to visit a home in the Newcastle and Hunter area. A worker from the Armidale area is authorised to visit a home in the Armidale area. A worker from the Tamworth area is authorised to visit a home in the Tamworth area. A worker from the Northern Rivers area is authorised to visit a home in the Northern Rivers area. A worker from the Dubbo area is authorised to visit a home in the Dubbo area. A worker from the Far North area is authorised to visit a home in the Far North area.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- (i) no more than 2 workers are present (prescribed or other work).
- (ii) no more than 5 workers are present for outdoors work (prescribed or other work)
- (iii) only workers are in the same room together.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or
- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

ENTERING AN AFFECTED AREA

A person must not enter an affected regional area (including from another affected regional area) without reasonable excuse

A reasonable excuse to enter an affected regional area is:

- to go to the person's home in the affected regional area

- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside the affected regional area that they live in
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

TRAVELLING THROUGH AN AFFECTED AREA

A person is able to enter an affected regional area if the person:

- travels through the affected regional area and does not leave their vehicle while in the affected regional area, or
- enters the affected regional area by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in the affected regional area, or
- enters the affected regional area by vessel or aircraft and travels directly to leave the affected regional area, or
- enters the affected regional area, to go to a port or airport to leave the affected regional area and travels to the port or airport by the most practicable route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

LIMITS ON OUTDOOR GATHERINGS

A person must not participate in an outdoor public gathering in an affected regional area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

CLOSURE OF CERTAIN PREMISES IN AN AFFECTED REGIONAL AREA

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding

the person conducting the service and others necessary for the conduct and preparation of the service

- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of:
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in an affected regional area:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

CLOSURE OF RETAIL PREMISES IN AN AFFECTED AREA

All retail premises in an affected regional area must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies

- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in an affected regional area
- cellar door premises as outlined above under Closure of certain premises an affected regional area
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

LIMITED EXCEPTIONS TO THE REQUIREMENT THAT PREMISES MUST NOT BE OPEN TO THE PUBLIC

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground on 5 August 2021 and who is continuing to stay at the caravan park or camping ground in the Newcastle and Hunter area under a booking:

- that was made before 5 August 2021, and
- that has not been extended after 5 August 2021.

Where a person who was staying at a caravan park or camping ground on 7 August 2021 and who is continuing to stay at the caravan park or camping ground in the Armidale area under a booking:

- that was made before 7 August 2021, and
- that has not been extended after 7 August 2021.

Where a person who was staying at a caravan park or camping ground on 9 August 2021 and who is continuing to stay at the caravan park or camping ground in the Tamworth area or Northern Rivers area under a booking:

- that was made before 9 August 2021, and
- that has not been extended after 9 August 2021.

Where a person who was staying at a caravan park or camping ground on 11 August 2021 and who is continuing to stay at the caravan park or camping ground in the Dubbo or Far North area or under a booking:

- that was made before 11 August 2021, and

- that has not been extended after 11 August 2021.

CAR POOLING

A person must not travel in a vehicle in an affected regional area with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*.

Section 36(2)(b) of LEPRa relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in the Newcastle and Hunter area, Armidale area, Tamworth area or the Northern Rivers area with another person who is not from the same household.

WEARING FITTED FACE COVERINGS IN AN AFFECTED REGIONAL AREA

There are a number of circumstances in which people in an affected regional area must wear and carry fitted face coverings. Please see requirements under Directions that apply to all NSW in Fact Sheet 28.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$500
	96588 (Not wear fitted face covering in licensed gaming area)	\$500
	96589 (Not wear fitted face covering in entertainment facility)	\$500
	96590 (Not wear fitted face covering in place of public worship etc)	\$500
	96591 (Not wear fitted face covering residential aged care facility)	\$500
	96592 (Not wear fitted face covering public transport waiting area)	\$500
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$500
	96594 (Not wear fitted face covering - hospitality venue worker)	\$500
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$500
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$500
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$500
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney which incl Affected Regional Area)	\$500
	96960 (Fail to comply with any other wear face covering directive) – individual	\$500
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
	97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) - Individual	\$2000

Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	<p>96587 (Not wear fitted face covering in retail/business premises)</p> <p>96588 (Not wear fitted face covering in licensed gaming area)</p> <p>96589 (Not wear fitted face covering in entertainment facility)</p> <p>96590 (Not wear fitted face covering in place of public worship etc)</p> <p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney or an affected Regional Area)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) - Individual</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

ISSUE 32

Health Minister's COVID-19

Special directions for the affected Regional Areas.

Public Health Act 2010

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021 has been amended to include special conditions for affected regional areas.

Each below mentioned LGA is an *affected regional area*.

These directions apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 31 July 2021

in the local government areas (LGAs) of **City of Cessnock, City of Newcastle, Dungog, City of Lake Macquarie, City of Maitland, Muswellbrook, Port Stephens and Singleton** ("Newcastle and Hunter area").

The **Newcastle and Hunter area directions** commence at 5:00pm on 5 August 2021 and will expire at the beginning of 20 August 2021.

These directions also apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 29 July 2021

in the Armidale Regional local government area (LGA) ("**Armidale area**").

The **Armidale area directions** commence at 5:00pm on 7 August 2021 and will expire at the beginning of 15 August 2021.

These directions also apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 5 August 2021

in the Tamworth Regional local government area (LGA) ("**Tamworth area**").

The **Tamworth area directions** commence at 5:00pm on 9 August 2021 and will expire at the beginning of 17 August 2021.

These directions also apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 31 July 2021

in the LGAs of **Ballina, Byron, City of Lismore and Richmond Valley** ("**Northern Rivers area**").

The **Northern Rivers area directions** commence at 6:00pm on 9 August 2021 and will expire at the beginning of 17 August 2021.

These directions also apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 1 August 2021

in the Dubbo Regional LGA (“**Dubbo area**”).

The **Dubbo area directions** commence at 1:00pm on 11 August 2021 and will expire at the beginning of 19 August 2021.

These directions also apply to a person (an affected person):

- who lives
- is staying in temporary accommodation
- has been since the 5 August 2021

in the LGAs of **Bogan, Bourke, Brewarrina, Coonamble, Gilgandra, Narromine, Walgett, and Warren** (“**Far North area**”).

The **Far North area directions** commence from 8pm on 11 August 2021 and will expire at the beginning of 19 August 2021.

The directions that apply to all of NSW still apply to the affected regional areas.

Note: An affected person does not include a person who has not been in the affected regional area during the previous 14 days.

IMPORTANT TEMPORARY EXEMPTION: A person is permitted to leave home and enter the Tamworth, Northern Rivers, Dubbo and Far North areas and participate in an outdoor gathering and attend a person’s place of residence in the Tamworth, Northern Rivers, Dubbo or Far North areas for a funeral or memorial service, a wedding, or a gathering immediately following. Pubs and registered clubs, food and drink premises, entertainment facilities, recreation facilities (indoor) and places of public worship may open to members of the public for these purposes only until the end of 11 August 2021 for the Tamworth and Northern Rivers areas. This exemption applies to an affected person who has not been in Greater Sydney (including Blue Mountains, Wollongong, Central Coast, and Shellharbour) in the previous 14 days), and for Tamworth residents, has not been in the Newcastle and Hunter area since 31 July 2021 or the Armidale area since 29 July 2021, and for Northern Rivers residents, has not been in the Newcastle and Hunter area since 31 July 2021 or the Armidale area since 29 July 2021 or the Tamworth area since 5 August 2021, for Dubbo residents, has not been in the Newcastle and Hunter area since 31 July 2021 or the Armidale area since 29 July 2021 or the Tamworth area since 5 August 2021 or the Northern Rivers area since 1 August 2021, and for Far North area residents, has not been in the Newcastle and Hunter area since 31 July 2021 or the Armidale area since 29 July 2021 or the Tamworth area since 5 August 2021 or the Northern Rivers area since 1 August 2021 or the Dubbo area since 1 August 2021.

This exemption applies for the **Tamworth area and Northern Rivers area until the end of 11 August 2021 and the Dubbo and Far North areas until the end of 13 August 2021.**

Note on police powers

- **Under this Order, an adult who is leaving an affected regional area must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**

- An adult who is in an affected regional area and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- An adult who is in an affected regional area and leaves home to obtain food or goods and services must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- A person travelling in a vehicle in an affected regional area with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

STAY AT HOME

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or

- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms from the person's home or temporary accommodation. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - (i) undertaken within the person's LGA, or alternatively no further than 10 km from the person's home or accommodation if the place is in another LGA
 - (ii) no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
 - (iii) for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside an affected regional area, it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person to attend outside their own LGA.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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

- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an affected regional area to leave if:

- (i) the temporary booking has expired, and
- (ii) the person goes directly to their own place of residence or other temporary accommodation, and
- (iii) does not leave that accommodation without a reasonable excuse.

* The above does not apply to the homeless.

WORKING FROM HOME

In an affected regional area an employer must require an employee to work from home if reasonably practicable.

LEAVING AN AFFECTED REGIONAL AREA

An adult leaving an affected regional area, must carry evidence of their name and address or temporary accommodation and produce it to police on request.

AUTHORISED VISITORS TO PLACES OF RESIDENCE

Each adult member of a household must not allow a visitor to be at their home in an affected regional area, unless the visitor is an authorised visitor. Similarly, a person must not visit a home in the affected regional area unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.

- is a nominated visitor of an individual who resides alone (“nominated visitor”) – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

A person who lives alone in an affected regional area, may nominate a visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- if the person lives in the Newcastle and Hunter area, the nominated visitor also resides in that area, or
- if the person lives in the Armidale area, the nominated visitor also resides in that area, or
- if the person lives in the Tamworth area, the nominated visitor also resides in that area, or
- if the person lives in the Northern Rivers area, the nominated visitor also resides in that area, or
- if the person lives in the Dubbo area, the nominated visitor also resides in that area, or
- if the person lives in the Far North area, the nominated visitor also resides in that area.

WORKERS IN PLACES OF RESIDENCE

A worker from the Newcastle and Hunter area is authorised to visit a home in the Newcastle and Hunter area. A worker from the Armidale area is authorised to visit a home in the Armidale area. A worker from the Tamworth area is authorised to visit a home in the Tamworth area. A worker from the Northern Rivers area is authorised to visit a home in the Northern Rivers area. A worker from the Dubbo area is authorised to visit a home in the Dubbo area. A worker from the Far North area is authorised to visit a home in the Far North area.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- (i) no more than 2 workers are present (prescribed or other work).
- (ii) no more than 5 workers are present for outdoors work (prescribed or other work)
- (iii) only workers are in the same room together.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

Prescribed work is necessary if it is:

- urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- urgently required to be carried out because of an emergency, or

- for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
- for fire protection and safety, or
- for cleaning or repairs and maintenance in an unoccupied place of residence and is necessary for the sale or lease of the place of residence.

ENTERING AN AFFECTED AREA

A person must not enter an affected regional area (including from another affected regional area) without reasonable excuse

A reasonable excuse to enter an affected regional area is:

- to go to the person's home in the affected regional area
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside the affected regional area that they live in
- work if it is not possible to do it from home
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at school or other educational institution if the person cannot learn from home
- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm
- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- attending a small funeral or memorial service or gathering afterwards of no more than 10 persons, excluding the person conducting the service and others necessary for the conduct and preparation of the service.

Taking a holiday is NOT a reasonable excuse.

TRAVELLING THROUGH AN AFFECTED AREA

A person is able to enter an affected regional area if the person:

- travels through the affected regional area and does not leave their vehicle while in the affected regional area, or
- enters the affected regional area by road and travels through by the most practicable route, or
- enters by air and does not leave the airport while in the affected regional area, or
- enters the affected regional area by vessel or aircraft and travels directly to leave the affected regional area, or
- enters the affected regional area, to go to a port or airport to leave the affected regional area and travels to the port or airport by the most practicable route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

LIMITS ON OUTDOOR GATHERINGS

A person must not participate in an outdoor public gathering in an affected regional area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

CLOSURE OF CERTAIN PREMISES IN AN AFFECTED REGIONAL AREA

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages

- (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of:
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in an affected regional area:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

CLOSURE OF RETAIL PREMISES IN AN AFFECTED AREA

All retail premises in an affected regional area must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in an affected regional area
- cellar door premises as outlined above under Closure of certain premises an affected regional area
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

LIMITED EXCEPTIONS TO THE REQUIREMENT THAT PREMISES MUST NOT BE OPEN TO THE PUBLIC

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground on 5 August 2021 and who is continuing to stay at the caravan park or camping ground in the Newcastle and Hunter area under a booking:

- that was made before 5 August 2021, and
- that has not been extended after 5 August 2021.

Where a person who was staying at a caravan park or camping ground on 7 August 2021 and who is continuing to stay at the caravan park or camping ground in the Armidale area under a booking:

- that was made before 7 August 2021, and
- that has not been extended after 7 August 2021.

Where a person who was staying at a caravan park or camping ground on 9 August 2021 and who is continuing to stay at the caravan park or camping ground in the Tamworth area or Northern Rivers area under a booking:

- that was made before 9 August 2021, and
- that has not been extended after 9 August 2021.

Where a person who was staying at a caravan park or camping ground on 11 August 2021 and who is continuing to stay at the caravan park or camping ground in the Dubbo or Far North area or under a booking:

- that was made before 11 August 2021, and
- that has not been extended after 11 August 2021.

CAR POOLING

A person must not travel in a vehicle in an affected regional area with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in the Newcastle and Hunter area, Armidale

area ,Tamworth area or the Northern Rivers area with another person who is not from the same household.

WEARING FITTED FACE COVERINGS IN AN AFFECTED REGIONAL AREA

There are a number of circumstances in which people in an affected regional area must wear and carry fitted face coverings. Please see requirements under Directions that apply to all NSW in Fact Sheet 28.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$500
	96588 (Not wear fitted face covering in licensed gaming area)	\$500
	96589 (Not wear fitted face covering in entertainment facility)	\$500
	96590 (Not wear fitted face covering in place of public worship etc)	\$500
	96591 (Not wear fitted face covering residential aged care facility)	\$500
	96592 (Not wear fitted face covering public transport waiting area)	\$500
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$500
	96594 (Not wear fitted face covering - hospitality venue worker)	\$500
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$500
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$500
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$500
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney which incl Affected Regional Area)	\$500
96960 (Fail to comply with any other wear face covering directive) – individual	\$500	

	896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
	97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) - Individual	\$2000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	96587 (Not wear fitted face covering in retail/business premises)	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
	96588 (Not wear fitted face covering in licensed gaming area)	
	96589 (Not wear fitted face covering in entertainment facility)	
	96590 (Not wear fitted face covering in place of public worship etc)	
	96591 (Not wear fitted face covering residential aged care facility)	
	96592 (Not wear fitted face covering public transport waiting area)	
	96593 (Not wear fitted face covering in public transport/taxi etc)	
	96594 (Not wear fitted face covering - hospitality venue worker)	
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	
	96953 (Not wear face covering in indoor area of non-residential premises)	
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney or an affected Regional Area)	
	96960 (Fail to comply with any other wear face covering directive) – individual	
896960 (Fail to comply with any other wear face covering directive) – corporation		
97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) - Individual		

	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	
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Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

ISSUE 33

Health Minister's COVID-19

Special directions for Regional NSW Area

Public Health Act 2010

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021 was amended on 14 August 2021 to include special conditions for the regional NSW area. These special directions commence at 5:00pm on 14 August 2021 and expire at the beginning of 22 August 2021.

'Regional NSW area' means the area of NSW other than Greater Sydney (note: Greater Sydney includes Blue Mountains, Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong).

An 'affected person' means:

- a person whose home or usual place of work is in the regional NSW area
- a person who is staying in temporary accommodation in the regional NSW area.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

IMPORTANT TEMPORARY EXEMPTION: A person is permitted to leave home and enter the regional NSW area except for the Newcastle, Hunter, Armidale, Tamworth, Northern Rivers, Dubbo, Far North areas, and participate in an outdoor gathering and attend a person's place of residence in the allowed regional NSW area for a funeral or memorial service, a wedding, or a gathering immediately following. Pubs and registered clubs, food and drink premises, entertainment facilities, recreation facilities (indoor) and places of public worship may open to members of the public for these purposes only until the end of 15 August 2021. This exemption applies to an affected person who has not been in Greater Sydney (including Blue Mountains, Wollongong, Central Coast, and Shellharbour) or in the Newcastle, Hunter, Armidale, Tamworth, Northern Rivers, Dubbo and Far North areas, in the previous 14 days. This exemption applies **until the end of 15 August 2021.**

Note on police powers

- **An adult who is in the regional NSW area and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- **An adult who is in the regional NSW area and leaves home to obtain food or goods and services must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- **A person travelling in a vehicle in the regional NSW area with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.

- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on answering questions from contact tracers

From 16 August 2021, a person must, at the request of a contact tracer, do the following:

- answer questions or provide other information about the person's movements
- provide the person's contact details (name, and phone number or email address)
- provide true and accurate information at all times.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

STAY AT HOME

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably

available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms until the end of 15 August 2021, and no further than 5km from 16 August 2021, from the person's home or temporary accommodation. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - (i) undertaken within the person's LGA, or alternatively no further than 10 kms until the end of 15 August 2021, and no further than 5km from 16 August 2021, from the person's home or accommodation if the place is in another LGA
 - (ii) no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
 - (iii) for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the regional NSW area, it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- from 16 August 2021, supervising or facilitating a business moving to new premises
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm

- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an affected regional area to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

* The above does not apply to the homeless.

WORKING FROM HOME

In the regional NSW area an employer must require an employee to work from home if reasonably practicable.

AUTHORISED VISITORS TO PLACES OF RESIDENCE

Each adult member of a household must not allow a visitor to be at their home in the regional NSW area, unless the visitor is an authorised visitor. Similarly, a person must not visit a home in the regional NSW area unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

A person who lives alone in the regional NSW area, may nominate a visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor resides in the same local government area in which the person lives.

WORKERS IN PLACES OF RESIDENCE

- A worker is authorised to visit a home in the regional NSW area.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- (i) no more than 2 workers are present (prescribed or other work).
- (ii) no more than 5 workers are present for outdoors work (prescribed or other work)
- (iii) only workers are in the same room together.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

TRAVELLING THROUGH NSW

A person is able to enter the regional NSW area if the person:

- travels through NSW and does not leave their vehicle while in NSW, or
- enters NSW by road and travels through NSW by the most practicable route, or
- enters NSW by air and does not leave the airport while in NSW, or
- enters the affected regional area by vessel or aircraft and travels directly to leave the regional NSW area or
- enters NSW, to go to a port or airport to leave NSW and travels to the port or airport by the most practicable route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

LIMITS ON OUTDOOR GATHERINGS

A person must not participate in an outdoor public gathering in the regional NSW area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons

- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

CLOSURE OF CERTAIN PREMISES IN THE REGIONAL NSW AREA

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours

- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of:
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in an affected regional area:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person.

CLOSURE OF RETAIL PREMISES IN THE REGIONAL NSW AREA

All retail premises in an affected regional area must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in the regional NSW area
- cellar door premises as outlined above under Closure of certain premises in the regional NSW area

- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

LIMITED EXCEPTIONS TO THE REQUIREMENT THAT PREMISES MUST NOT BE OPEN TO THE PUBLIC

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground on 5 August 2021 and who is continuing to stay at the caravan park or camping ground in the Newcastle and Hunter area under a booking:

- that was made before 5 August 2021, and
- that has not been extended after 5 August 2021.

Where a person who was staying at a caravan park or camping ground on 7 August 2021 and who is continuing to stay at the caravan park or camping ground in the Armidale area under a booking:

- that was made before 7 August 2021, and
- that has not been extended after 7 August 2021.

Where a person who was staying at a caravan park or camping ground on 9 August 2021 and who is continuing to stay at the caravan park or camping ground in the Tamworth area or Northern Rivers area under a booking:

- that was made before 9 August 2021, and
- that has not been extended after 9 August 2021.

Where a person who was staying at a caravan park or camping ground on 11 August 2021 and who is continuing to stay at the caravan park or camping ground in the Dubbo or Far North area or under a booking:

- that was made before 11 August 2021, and
- that has not been extended after 11 August 2021.

Where a person who was staying at a caravan park or camping ground on 14 August 2021 and who is continuing to stay at the caravan park or camping ground in the regional NSW area (other than those areas specifically mentioned above) under a booking:

- that was made before 14 August 2021, and
- that has not been extended after 14 August 2021.

CAR POOLING

A person must not travel in a vehicle in the regional NSW area with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in the regional NSW area with another person who is not from the same household.

WEARING FITTED FACE COVERINGS IN AN AFFECTED REGIONAL AREA

There are a number of circumstances in which people in the regional NSW area must wear and carry fitted face coverings. Please see requirements under Directions that apply to all NSW in Fact Sheet 28.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)	96587 (Not wear fitted face covering in retail/business premises)	\$500
	96588 (Not wear fitted face covering in licensed gaming area)	\$500
	96589 (Not wear fitted face covering in entertainment facility)	\$500
	96590 (Not wear fitted face covering in place of public worship etc)	\$500
	96591 (Not wear fitted face covering residential aged care facility)	\$500
	96592 (Not wear fitted face covering public transport waiting area)	\$500
	96593 (Not wear fitted face covering in public transport/taxi etc)	\$500
	96594 (Not wear fitted face covering - hospitality venue worker)	\$500
	96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)	\$500
	896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)	\$1000
	96953 (Not wear face covering in indoor area of non-residential premises)	\$500
	96954 (Not wear fitted face covering in prescribed outdoor gathering)	\$500
	97001 (Not wear fitted face covering indoor area of common property – Greater Sydney which incl Affected Regional Area)	\$500
	96960 (Fail to comply with any other wear face covering directive) – individual	\$500
896960 (Fail to comply with any other wear face covering directive) – corporation	\$1000	
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)	95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)	\$1000
	97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) - Individual	\$2000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation	95638 Fail to comply with noticed direction (other than a face covering breach) - corporation	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty

<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)</p>	<p>96587 (Not wear fitted face covering in retail/business premises)</p> <p>96588 (Not wear fitted face covering in licensed gaming area)</p> <p>96589 (Not wear fitted face covering in entertainment facility)</p> <p>96590 (Not wear fitted face covering in place of public worship etc)</p> <p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual)</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney or an affected Regional Area)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual</p> <p>896960 (Fail to comply with any other wear face covering directive) – corporation</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) - Individual</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach) – individual (this is the offence for any other breach of the Order)</p>	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>
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Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

ISSUE 33

Health Minister's COVID-19

Special directions for Regional NSW Area

Public Health Act 2010

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021 was amended on 14 August 2021 to include special conditions for the regional NSW area. These special directions commence at 5:00pm on 14 August 2021 and expire at the beginning of 22 August 2021.

'Regional NSW area' means the area of NSW other than Greater Sydney (note: Greater Sydney includes Blue Mountains, Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong).

An 'affected person' means:

- a person whose home or usual place of work is in the regional NSW area
- a person who is staying in temporary accommodation in the regional NSW area.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

IMPORTANT TEMPORARY EXEMPTION: A person is permitted to leave home and enter the regional NSW area except for the Newcastle, Hunter, Armidale, Tamworth, Northern Rivers, Dubbo, Far North areas, and participate in an outdoor gathering and attend a person's place of residence in the allowed regional NSW area for a funeral or memorial service, a wedding, or a gathering immediately following. Pubs and registered clubs, food and drink premises, entertainment facilities, recreation facilities (indoor) and places of public worship may open to members of the public for these purposes only until the end of 15 August 2021. This exemption applies to an affected person who has not been in Greater Sydney (including Blue Mountains, Wollongong, Central Coast, and Shellharbour) or in the Newcastle, Hunter, Armidale, Tamworth, Northern Rivers, Dubbo and Far North areas, in the previous 14 days. This exemption applies **until the end of 15 August 2021**.

Note on police powers

- **An adult who is in the regional NSW area and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- **An adult who is in the regional NSW area and leaves home to obtain food or goods and services must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- **A person travelling in a vehicle in the regional NSW area with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.

- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on answering questions from contact tracers

From 16 August 2021, a person must, at the request of a contact tracer, do the following:

- answer questions or provide other information about the person's movements
- provide the person's contact details (name, and phone number or email address)
- provide true and accurate information at all times.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

STAY AT HOME

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably

available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms until the end of 15 August 2021, and no further than 5km from 16 August 2021, from the person's home or temporary accommodation. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - (i) undertaken within the person's LGA, or alternatively no further than 10 kms until the end of 15 August 2021, and no further than 5km from 16 August 2021, from the person's home or accommodation if the place is in another LGA
 - (ii) no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
 - (iii) for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the regional NSW area, it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- from 16 August 2021, supervising or facilitating a business moving to new premises
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm

- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an affected regional area to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

* The above does not apply to the homeless.

WORKING FROM HOME

In the regional NSW area an employer must require an employee to work from home if reasonably practicable.

AUTHORISED VISITORS TO PLACES OF RESIDENCE

Each adult member of a household must not allow a visitor to be at their home in the regional NSW area, unless the visitor is an authorised visitor. Similarly, a person must not visit a home in the regional NSW area unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

A person who lives alone in the regional NSW area, may nominate a visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor resides in the same local government area in which the person lives.

WORKERS IN PLACES OF RESIDENCE

- A worker is authorised to visit a home in the regional NSW area.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- (i) no more than 2 workers are present (prescribed or other work).
- (ii) no more than 5 workers are present for outdoors work (prescribed or other work)
- (iii) only workers are in the same room together.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

TRAVELLING THROUGH NSW

A person is able to enter the regional NSW area if the person:

- travels through NSW and does not leave their vehicle while in NSW, or
- enters NSW by road and travels through NSW by the most practicable route, or
- enters NSW by air and does not leave the airport while in NSW, or
- enters the affected regional area by vessel or aircraft and travels directly to leave the regional NSW area or
- enters NSW, to go to a port or airport to leave NSW and travels to the port or airport by the most practicable route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

LIMITS ON OUTDOOR GATHERINGS

A person must not participate in an outdoor public gathering in the regional NSW area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons

- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises
- a gathering at an auction house in the Regional NSW area that is open to members of the public for the purposes of an auction that is for food supply, livestock, fibre or crops.

CLOSURE OF CERTAIN PREMISES IN THE REGIONAL NSW AREA

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.

- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of:
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in an affected regional area:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person - except for an auction that is for food supply, livestock, fibre or crops (an auction house can be open to members of the public for these purposes).

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

CLOSURE OF RETAIL PREMISES IN THE REGIONAL NSW AREA

All retail premises in an affected regional area must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks

- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in the regional NSW area
- cellar door premises as outlined above under Closure of certain premises in the regional NSW area
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

LIMITED EXCEPTIONS TO THE REQUIREMENT THAT PREMISES MUST NOT BE OPEN TO THE PUBLIC

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground on 5 August 2021 and who is continuing to stay at the caravan park or camping ground in the Newcastle and Hunter area under a booking:

- that was made before 5 August 2021, and
- that has not been extended after 5 August 2021.

Where a person who was staying at a caravan park or camping ground on 7 August 2021 and who is continuing to stay at the caravan park or camping ground in the Armidale area under a booking:

- that was made before 7 August 2021, and
- that has not been extended after 7 August 2021.

Where a person who was staying at a caravan park or camping ground on 9 August 2021 and who is continuing to stay at the caravan park or camping ground in the Tamworth area or Northern Rivers area under a booking:

- that was made before 9 August 2021, and
- that has not been extended after 9 August 2021.

Where a person who was staying at a caravan park or camping ground on 11 August 2021 and who is continuing to stay at the caravan park or camping ground in the Dubbo or Far North area or under a booking:

- that was made before 11 August 2021, and
- that has not been extended after 11 August 2021.

Where a person who was staying at a caravan park or camping ground on 14 August 2021 and who is continuing to stay at the caravan park or camping ground in the regional NSW area (other than those areas specifically mentioned above) under a booking:

- that was made before 14 August 2021, and
- that has not been extended after 14 August 2021.

CAR POOLING

A person must not travel in a vehicle in the regional NSW area with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in the regional NSW area with another person who is not from the same household.

WEARING FITTED FACE COVERINGS IN AN AFFECTED REGIONAL AREA

There are a number of circumstances in which people in the regional NSW area must wear and carry fitted face coverings. Please see requirements under Directions that apply to all NSW in Fact Sheet 28.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
<p>Child/young person fail to comply with a noticed direction in relation to section 7/8/9 – COVID-19 – Face Covering</p> <p style="text-align: center;">FACE COVERING OFFENCES – CHILDREN</p>	<p>97105 (15 years old or younger not wear/carry fitted face covering) Reg Code HZZ</p>	\$40
	<p>97104 (16 or 17 years old not wear/carry fitted face covering) Reg Code PUW</p> <p>CHILDREN 12 YRS & UNDER ARE EXEMPT AND CANNOT RECEIVE A PENALTY NOTICE FOR A FACE COVERING OFFENCE</p>	\$80
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)</p> <p style="text-align: center;">FACE COVERING OFFENCES - ADULTS</p>	<p>96587 (Not wear fitted face covering in retail/business premises) Reg Code YLL</p>	\$500
	<p>96588 (Not wear fitted face covering in licensed gaming area) Reg Code EIJ</p>	\$500
	<p>96589 (Not wear fitted face covering in entertainment facility) Reg Code QLU</p>	\$500
	<p>96590 (Not wear fitted face covering in place of public worship etc) Reg Code CRL</p>	\$500
	<p>96591 (Not wear fitted face covering residential aged care facility) Reg Code OXS</p>	\$500
	<p>96592 (Not wear fitted face covering public transport waiting area) Reg Code FIQ</p>	\$500
	<p>96593 (Not wear fitted face covering in public transport/taxi etc) Reg Code XFT</p>	\$500
	<p>96594 (Not wear fitted face covering - hospitality venue worker) Reg Code SBR</p>	\$500
	<p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual) Reg Code WAN</p>	\$1000
	<p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation) Reg Code EJO</p>	\$5000
<p>96953 (Not wear face covering in indoor area of non-residential premises) Reg Code OPI</p>	\$500	
<p>96954 (Not wear fitted face covering in prescribed outdoor gathering) Reg Code HSY</p>	\$500	

	<p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney which incl Affected Regional Area) Reg Code MME</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual Reg Code GYJ</p>	<p>\$500</p> <p>\$500</p>
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)</p> <p>OTHER BREACHES – INDIVIDUALS</p>	<p>97265 - Not comply with outdoor public gatherings direction New Reg Code DFZ</p> <p>97266 – Fail to comply with contact tracer requirements New Reg Code ECV</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order) Reg Code ZZE</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) – Individual Reg Code OJG</p>	<p>\$3,000</p> <p>\$5,000</p> <p>\$1,000</p> <p>\$2,000</p>
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation</p> <p>OTHER BREACHES – CORPORATIONS</p>	<p>895638 Fail to comply with noticed direction (other than a face covering breach) – corporation Reg Code YUW</p> <p>897091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) – Corporation Reg Code IIX</p>	<p>\$5,000</p> <p>\$10,000</p>
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)</p> <p>ALL OFFENCES – INDIVIDUALS & CORPORATIONS COURT ATTENDANCE NOTICE</p>	<p>97105 (15 years old or younger not wear/carry fitted face covering)</p> <p>97104 (16 or 17 years old not wear/carry fitted face covering)</p> <p>96587 (Not wear fitted face covering in retail/business premises)</p> <p>96588 (Not wear fitted face covering in licensed gaming area)</p> <p>96589 (Not wear fitted face covering in entertainment facility)</p> <p>96590 (Not wear fitted face covering in place of public worship etc)</p> <p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p>	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

	<p>96595 (Operator not ensure hospitality workers wear fitted face coverings – individual or corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney or an Affected Regional Area)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual or corporation</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) - Individual</p> <p>97265 - Not comply with outdoor public gatherings direction New</p> <p>97266 – Fail to comply with contact tracer requirements New</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) (this is the offence for any other breach of this Order)</p>	
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Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

ISSUE 33

Health Minister's COVID-19

Special directions for Regional NSW Area

Public Health Act 2010

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021 was amended on 14 August 2021 to include special conditions for the regional NSW area. These special directions commence at 5:00pm on 14 August 2021 and expire at the beginning of 22 August 2021.

'Regional NSW area' means the area of NSW other than Greater Sydney (note: Greater Sydney includes Blue Mountains, Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong).

An 'affected person' means:

- a person whose home or usual place of work is in the regional NSW area
- a person who is staying in temporary accommodation in the regional NSW area.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

IMPORTANT TEMPORARY EXEMPTION: A person is permitted to leave home and enter the regional NSW area except for the Newcastle, Hunter, Armidale, Tamworth, Northern Rivers, Dubbo, Far North areas, and participate in an outdoor gathering and attend a person's place of residence in the allowed regional NSW area for a funeral or memorial service, a wedding, or a gathering immediately following. Pubs and registered clubs, food and drink premises, entertainment facilities, recreation facilities (indoor) and places of public worship may open to members of the public for these purposes only until the end of 15 August 2021. This exemption applies to an affected person who has not been in Greater Sydney (including Blue Mountains, Wollongong, Central Coast, and Shellharbour) or in the Newcastle, Hunter, Armidale, Tamworth, Northern Rivers, Dubbo and Far North areas, in the previous 14 days. This exemption applies **until the end of 15 August 2021**.

Note on police powers

- **An adult who is in the regional NSW area and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- **An adult who is in the regional NSW area and leaves home to obtain food or goods and services must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- **A person travelling in a vehicle in the regional NSW area with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.

- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on answering questions from contact tracers

From 16 August 2021, a person must, at the request of a contact tracer, do the following:

- answer questions or provide other information about the person's movements
- provide the person's contact details (name, and phone number or email address)
- provide true and accurate information at all times.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

STAY AT HOME

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably

available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms until the end of 15 August 2021, and no further than 5km from 16 August 2021, from the person's home or temporary accommodation. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - (i) undertaken within the person's LGA, or alternatively no further than 10 kms until the end of 15 August 2021, and no further than 5km from 16 August 2021, from the person's home or accommodation if the place is in another LGA
 - (ii) no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
 - (iii) for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the regional NSW area, it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- from 16 August 2021, supervising or facilitating a business moving to new premises
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm

- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation
- for the purposes of feeding and attending to animals but only if no other person is reasonably available to care for the animals, and subject to the following conditions:
 - (i) the person must take the most practicable direct route to and from their residence and the location at which the animals are kept, and
 - (ii) the person must only remain at the location at which the animals are kept for the minimum period required to feed and attend to those animals.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an affected regional area to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

* The above does not apply to the homeless.

WORKING FROM HOME

In the regional NSW area an employer must require an employee to work from home if reasonably practicable.

AUTHORISED VISITORS TO PLACES OF RESIDENCE

Each adult member of a household must not allow a visitor to be at their home in the regional NSW area, unless the visitor is an authorised visitor. Similarly, a person must not visit a home in the regional NSW area unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities,
- to provide care or assistance to a vulnerable person,
- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

A person who lives alone in the regional NSW area, may nominate a visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor resides in the same local government area in which the person lives.

WORKERS IN PLACES OF RESIDENCE

- A worker is authorised to visit a home in the regional NSW area.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- (i) no more than 2 workers are present (prescribed or other work).
- (ii) no more than 5 workers are present for outdoors work (prescribed or other work)
- (iii) only workers are in the same room together.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

TRAVELLING THROUGH NSW

A person is able to enter the regional NSW area if the person:

- travels through NSW and does not leave their vehicle while in NSW, or
- enters NSW by road and travels through NSW by the most practicable route, or
- enters NSW by air and does not leave the airport while in NSW, or
- enters the affected regional area by vessel or aircraft and travels directly to leave the regional NSW area or
- enters NSW, to go to a port or airport to leave NSW and travels to the port or airport by the most practicable route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

LIMITS ON OUTDOOR GATHERINGS

A person must not participate in an outdoor public gathering in the regional NSW area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises
- a gathering at an auction house in the Regional NSW area that is open to members of the public for the purposes of an auction that is for food supply, livestock, fibre or crops.

CLOSURE OF CERTAIN PREMISES IN THE REGIONAL NSW AREA

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres
- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding

the person conducting the service and others necessary for the conduct and preparation of the service

- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of:
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in an affected regional area:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person - except for an auction that is for food supply, livestock, fibre or crops (an auction house can be open to members of the public for these purposes).

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

CLOSURE OF RETAIL PREMISES IN THE REGIONAL NSW AREA

All retail premises in an affected regional area must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in the regional NSW area
- cellar door premises as outlined above under Closure of certain premises in the regional NSW area
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

LIMITED EXCEPTIONS TO THE REQUIREMENT THAT PREMISES MUST NOT BE OPEN TO THE PUBLIC

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground on 5 August 2021 and who is continuing to stay at the caravan park or camping ground in the Newcastle and Hunter area under a booking:

- that was made before 5 August 2021, and
- that has not been extended after 5 August 2021.

Where a person who was staying at a caravan park or camping ground on 7 August 2021 and who is continuing to stay at the caravan park or camping ground in the Armidale area under a booking:

- that was made before 7 August 2021, and
- that has not been extended after 7 August 2021.

Where a person who was staying at a caravan park or camping ground on 9 August 2021 and who is continuing to stay at the caravan park or camping ground in the Tamworth area or Northern Rivers area under a booking:

- that was made before 9 August 2021, and

- that has not been extended after 9 August 2021.

Where a person who was staying at a caravan park or camping ground on 11 August 2021 and who is continuing to stay at the caravan park or camping ground in the Dubbo or Far North area or under a booking:

- that was made before 11 August 2021, and
- that has not been extended after 11 August 2021.

Where a person who was staying at a caravan park or camping ground on 14 August 2021 and who is continuing to stay at the caravan park or camping ground in the regional NSW area (other than those areas specifically mentioned above) under a booking:

- that was made before 14 August 2021, and
- that has not been extended after 14 August 2021.

CAR POOLING

A person must not travel in a vehicle in the regional NSW area with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in the regional NSW area with another person who is not from the same household.

WEARING FITTED FACE COVERINGS IN AN AFFECTED REGIONAL AREA

There are a number of circumstances in which people in the regional NSW area must wear and carry fitted face coverings. Please see requirements under Directions that apply to all NSW in Fact Sheet 28.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
<p>Child/young person fail to comply with a noticed direction in relation to section 7/8/9 – COVID-19 – Face Covering</p> <p>FACE COVERING OFFENCES – CHILDREN</p>	<p>97105 (15 years old or younger not wear/carry fitted face covering) Reg Code HZZ</p>	\$40
	<p>97104 (16 or 17 years old not wear/carry fitted face covering) Reg Code PUW</p> <p>CHILDREN 12 YRS & UNDER ARE EXEMPT AND CANNOT RECEIVE A PENALTY NOTICE FOR A FACE COVERING OFFENCE</p>	\$80
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)</p> <p>FACE COVERING OFFENCES - ADULTS</p>	<p>96587 (Not wear fitted face covering in retail/business premises) Reg Code YLL</p>	\$500
	<p>96588 (Not wear fitted face covering in licensed gaming area) Reg Code EIJ</p>	\$500
	<p>96589 (Not wear fitted face covering in entertainment facility) Reg Code QLU</p>	\$500
	<p>96590 (Not wear fitted face covering in place of public worship etc) Reg Code CRL</p>	\$500
	<p>96591 (Not wear fitted face covering residential aged care facility) Reg Code OXS</p>	\$500
	<p>96592 (Not wear fitted face covering public transport waiting area) Reg Code FIQ</p>	\$500
	<p>96593 (Not wear fitted face covering in public transport/taxi etc) Reg Code XFT</p>	\$500
	<p>96594 (Not wear fitted face covering - hospitality venue worker) Reg Code SBR</p>	\$500
	<p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual) Reg Code WAN</p>	\$1000
	<p>896595 (Operator not ensure hospitality</p>	\$5000

	<p>workers wear fitted face coverings - corporation) Reg Code EJO</p> <p>96953 (Not wear face covering in indoor area of non-residential premises) Reg Code OPI</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering) Reg Code HSY</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney which incl Affected Regional Area) Reg Code MME</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual Reg Code GYJ</p>	<p>\$500</p> <p>\$500</p> <p>\$500</p> <p>\$500</p>
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)</p> <p>OTHER BREACHES – INDIVIDUALS</p>	<p>97265 - Not comply with outdoor public gatherings direction New Reg Code DFZ</p> <p>97266 – Fail to comply with contact tracer requirements New Reg Code ECV</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order) Reg Code ZZE</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) – Individual Reg Code OJG</p>	<p>\$3,000</p> <p>\$5,000</p> <p>\$1,000</p> <p>\$2,000</p>
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation</p> <p>OTHER BREACHES – CORPORATIONS</p>	<p>895638 Fail to comply with noticed direction (other than a face covering breach) – corporation Reg Code YUW</p> <p>897091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) – Corporation Reg Code IIX</p>	<p>\$5,000</p> <p>\$10,000</p>
<p>COURT ATTENDANCE NOTICE</p>	<p>Law Part Code</p>	<p>Penalty</p>
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)</p> <p>ALL OFFENCES – INDIVIDUALS & CORPORATIONS COURT ATTENDANCE NOTICE</p>	<p>97105 (15 years old or younger not wear/carry fitted face covering)</p> <p>97104 (16 or 17 years old not wear/carry fitted face covering)</p> <p>96587 (Not wear fitted face covering in retail/business premises)</p> <p>96588 (Not wear fitted face covering in licensed gaming area)</p> <p>96589 (Not wear fitted face covering in entertainment facility)</p> <p>96590 (Not wear fitted face covering in place of public worship etc)</p>	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

	<p>96591 (Not wear fitted face covering residential aged care facility)</p> <p>96592 (Not wear fitted face covering public transport waiting area)</p> <p>96593 (Not wear fitted face covering in public transport/taxi etc)</p> <p>96594 (Not wear fitted face covering - hospitality venue worker)</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings – individual or corporation)</p> <p>96953 (Not wear face covering in indoor area of non-residential premises)</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering)</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney or an Affected Regional Area)</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual or corporation</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) - Individual</p> <p>97265 - Not comply with outdoor public gatherings direction New</p> <p>97266 – Fail to comply with contact tracer requirements New</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) (this is the offence for any other breach of this Order)</p>	
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Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

ISSUE 33

Health Minister's COVID-19

Special directions for Regional NSW Area

Public Health Act 2010

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021 was amended on 14 August 2021 to include special conditions for the regional NSW area. These special directions commence at 5:00pm on 14 August 2021 and expire at the beginning of 22 August 2021.

'Regional NSW area' means the area of NSW other than Greater Sydney (note: Greater Sydney includes Blue Mountains, Local Government Areas (LGAs) of Shellharbour, Central Coast and Wollongong).

An 'affected person' means:

- a person whose home or usual place of work is in the regional NSW area
- a person who is staying in temporary accommodation in the regional NSW area.

'Work' includes work done as a volunteer or for a charitable organisation and attending university or other tertiary education.

IMPORTANT TEMPORARY EXEMPTION: A person is permitted to leave home and enter the regional NSW area except for the Newcastle, Hunter, Armidale, Tamworth, Northern Rivers, Dubbo, Far North areas, and participate in an outdoor gathering and attend a person's place of residence in the allowed regional NSW area for a funeral or memorial service, a wedding, or a gathering immediately following. Pubs and registered clubs, food and drink premises, entertainment facilities, recreation facilities (indoor) and places of public worship may open to members of the public for these purposes only until the end of 15 August 2021. This exemption applies to an affected person who has not been in Greater Sydney (including Blue Mountains, Wollongong, Central Coast, and Shellharbour) or in the Newcastle, Hunter, Armidale, Tamworth, Northern Rivers, Dubbo and Far North areas, in the previous 14 days. This exemption applies **until the end of 15 August 2021**.

Note on police powers

- **An adult who is in the regional NSW area and is outdoors for exercise or outdoor recreation (or travelling to/from) must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- **An adult who is in the regional NSW area and leaves home to obtain food or goods and services must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- **A person travelling in a vehicle in the regional NSW area with another person must carry evidence of their name and address or temporary accommodation and produce it to police if requested.**
- For other breaches, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.

- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

Note on answering questions from contact tracers

From 16 August 2021, a person must, at the request of a contact tracer, do the following:

- answer questions or provide other information about the person's movements
- provide the person's contact details (name, and phone number or email address)
- provide true and accurate information at all times.

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

STAY AT HOME

An affected person must not, without reasonable excuse:

- be away from the person's home wherever located, or
- be away from the temporary accommodation wherever located.

Reasonable excuses are:

- obtaining food, goods and services for the personal or other needs of the person's household, including for vulnerable persons and pets. Unless they are not reasonably

available, the food, goods and services must be obtained within the person's LGA (either home or temporary accommodation) or no further than 10 kms until the end of 15 August 2021, and no further than 5km from 16 August 2021, from the person's home or temporary accommodation. A person who is at least 18 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

Note: only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.

- work if it is not reasonably practicable to do it from home and if the person must visit another person's home the person is authorised. See below under heading Authorised visitors to places of residence
- attending childcare, including picking up or dropping off another person at childcare
- facilitating attendance at a school or other educational institution if the person cannot learn from home
- exercising or outdoor recreation if:
 - (i) undertaken within the person's LGA, or alternatively no further than 10 kms until the end of 15 August 2021, and no further than 5km from 16 August 2021, from the person's home or accommodation if the place is in another LGA
 - (ii) no car-pooling is used to travel other than with a member of the person's household or the person's nominated visitor
 - (iii) for an adult, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people

Note: Coastal waters are part of the closest LGA.

- obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including getting a COVID-19 vaccination
- attending a small funeral or memorial service or gathering afterwards, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the regional NSW area, it is only a reasonable excuse for the spouse, defacto partner, parent, child or sibling of the deceased person.
- moving to a new home including a business moving to new premises, or between different homes of the person or inspecting a potential new home
- from 16 August 2021, supervising or facilitating a business moving to new premises
- providing care or assistance to a vulnerable person or providing emergency assistance
- donating blood
- undertaking any legal obligations
- accessing public services such as social services, employment services, domestic violence, victim, mental health services
- for children who do not live in the same household as their parents or siblings or one of their parents or siblings – give effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- for 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
- avoiding injury or illness or to escape a risk of harm

- for emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together. In some circumstances such as an anniversary of the death of a child or close family member a visit to a grave will be permitted. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- for a nominated visitor to visit the person who nominated them or to accompany them for exercise of outdoor recreation
- for the purposes of feeding and attending to animals but only if no other person is reasonably available to care for the animals, and subject to the following conditions:
 - (i) the person must take the most practicable direct route to and from their residence and the location at which the animals are kept, and
 - (ii) the person must only remain at the location at which the animals are kept for the minimum period required to feed and attend to those animals.

Taking a holiday is NOT a reasonable excuse

This Order does NOT prevent a person in temporary accommodation in an affected regional area to leave if:

- the temporary booking has expired, and
- the person goes directly to their own place of residence or other temporary accommodation, and
- does not leave that accommodation without a reasonable excuse.

* The above does not apply to the homeless.

WORKING FROM HOME

In the regional NSW area an employer must require an employee to work from home if reasonably practicable.

AUTHORISED VISITORS TO PLACES OF RESIDENCE

Each adult member of a household must not allow a visitor to be at their home in the regional NSW area, unless the visitor is an authorised visitor. Similarly, a person must not visit a home in the regional NSW area unless they are an authorised visitor. An authorised visitor is a person who is at the home:

- for childcare,
- giving effect to new or existing arrangements for contact between, parents and children under the age of 18 or between siblings,
- to assist a person moving to or from the home,
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency,
- for the installation, maintenance or repairs of essential utilities, including water, gas, electricity, internet and telecommunications.

Persons entering a home for the below reasons are also authorised visitors, but are limited to **one at a time** in the home:

- to fulfil carer's responsibilities (although two visitors can attend for this purpose if it is reasonably necessary to provide safe care to a person who a resident, but they can only remain at the residence for the minimum period required to provide safe care to the person).
- to provide care or assistance to a vulnerable person,

- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor") – see details below.

Note: A child is able to accompany a visitor in this category into the home if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

Nominated visitor

A person who lives alone in the regional NSW area, may nominate a visitor to be an authorised visitor.

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor resides in the same local government area in which the person lives.

WORKERS IN PLACES OF RESIDENCE

- A worker is authorised to visit a home in the regional NSW area.

Exceptions:

A worker must not visit a home to carry out prescribed work unless:

- (i) no more than 2 workers are present (prescribed or other work).
- (ii) no more than 5 workers are present for outdoors work (prescribed or other work)
- (iii) only workers are in the same room together.

Prescribed work means cleaning, repairs and maintenance, alterations and additions to buildings, and work carried out as part of a trade (including electrical work or plumbing).

TRAVELLING THROUGH NSW

A person is able to enter the regional NSW area if the person:

- travels through NSW and does not leave their vehicle while in NSW, or
- enters NSW by road and travels through NSW by the most practicable route, or
- enters NSW by air and does not leave the airport while in NSW, or
- enters the affected regional area by vessel or aircraft and travels directly to leave the regional NSW area or
- enters NSW, to go to a port or airport to leave NSW and travels to the port or airport by the most practicable route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

LIMITS ON OUTDOOR GATHERINGS

A person must not participate in an outdoor public gathering in the regional NSW area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Annexure A)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises
- a gathering at an auction house in the Regional NSW area that is open to members of the public for the purposes of an auction that is for food supply, livestock, fibre or crops.

CLOSURE OF CERTAIN PREMISES IN THE REGIONAL NSW AREA

The following premises must not be open to members of the public:

- pubs and registered clubs, except for the purposes of:
 - (i) selling take-away food or beverages
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- food and drink (other than pubs or cafeterias in workplaces), except for the purposes of:
 - (i) selling take-away food or beverages, or
 - (ii) for hotel or motel accommodation, providing room-service food or beverages for guests to consume in their rooms
 - (iii) for a shopping centre, selling take-away food or beverages
 - (iv) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- entertainment facilities, except for a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service (but note that the streaming of a live performance would not be prohibited as the venue is not open to the public)
- amusement centres

- 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 take-away food or beverages,
- recreation facilities (indoor), except for the purposes of educational services or childcare, or a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
 - (ii) providing educational services or childcare.
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses or betting agencies
- markets, but not markets that predominantly sell food
- information and education facilities, except for educational services or childcare
- caravan parks and camping grounds, except for 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 permanent residents or those without a permanent residence
- sex services premises
- sex on premises venues
- casino, except for the purpose of:
 - (i) or hotel or motel accommodation – providing that accommodation including room-service food or beverages for guests to consume in their rooms, or
 - (ii) selling take-away food or beverages
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust
- gaming lounges
- strip clubs.

A person is also prohibited from conducting in an affected regional area:

- an open inspection of premises for sale or lease. A person may show a single person the premises after the person has made an appointment for that purpose, and
- an auction at which persons attend in person - except for an auction that is for food supply, livestock, fibre or crops (an auction house can be open to members of the public for these purposes).

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

CLOSURE OF RETAIL PREMISES IN THE REGIONAL NSW AREA

All retail premises in an affected regional area must be closed to the public except:

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- chemists and pharmacies
- kiosks
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones
- food and drink premises as outlined above under Closure of certain premises in the regional NSW area
- cellar door premises as outlined above under Closure of certain premises in the regional NSW area
- hardware and building supplies, landscaping material and rural supplies and timber yards
- garden centres and plant nurseries
- vehicle hire, not including premises where vehicles are sold

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

LIMITED EXCEPTIONS TO THE REQUIREMENT THAT PREMISES MUST NOT BE OPEN TO THE PUBLIC

Where premises are being used to provide a service to assist vulnerable members of the public, for example, the use of premises as a food bank, other service providing for the needs of homeless persons, or as an early education and care facility.

Where a person who was staying at a caravan park or camping ground on 5 August 2021 and who is continuing to stay at the caravan park or camping ground in the Newcastle and Hunter area under a booking:

- that was made before 5 August 2021, and
- that has not been extended after 5 August 2021.

Where a person who was staying at a caravan park or camping ground on 7 August 2021 and who is continuing to stay at the caravan park or camping ground in the Armidale area under a booking:

- that was made before 7 August 2021, and
- that has not been extended after 7 August 2021.

Where a person who was staying at a caravan park or camping ground on 9 August 2021 and who is continuing to stay at the caravan park or camping ground in the Tamworth area or Northern Rivers area under a booking:

- that was made before 9 August 2021, and
- that has not been extended after 9 August 2021.

Where a person who was staying at a caravan park or camping ground on 11 August 2021 and who is continuing to stay at the caravan park or camping ground in the Dubbo or Far North area or under a booking:

- that was made before 11 August 2021, and
- that has not been extended after 11 August 2021.

Where a person who was staying at a caravan park or camping ground on 14 August 2021 and who is continuing to stay at the caravan park or camping ground in the regional NSW area (other than those areas specifically mentioned above) under a booking:

- that was made before 14 August 2021, and
- that has not been extended after 14 August 2021.

CAR POOLING

A person must not travel in a vehicle in the regional NSW area with another person except someone from their household or their nominated visitor.

Two or more police can travel in a vehicle together but they must wear a mask. **Note: this only applies in the course of official duties and does not extend to car-pooling to or from work.**

Exemptions: a vehicle being used to engage in work, for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request: cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*.

Section 36(2)(b) of LEPRA relevantly provides that a police officer may, without a warrant, stop a class of vehicles on a road or road related area or other public place if the police officer suspects on reasonable grounds:

- that circumstances exist on or in the vicinity of the road, road related area or other public place that are likely to give rise to a serious risk to public safety, and
- that the exercise of the powers may lessen the risk.

Police officers may use this power to stop a class of vehicles, being vehicles with more than 1 occupant, for this purpose.

In the current environment, it is open to a police officer to find that having persons from different households travelling in a vehicle is a serious risk to public safety and that police intervention is required in an attempt to lessen the risk. COVID-19 (and in particular the delta variant) is a potentially fatal condition and is highly contagious. A concerning number of cases of individuals with COVID-19 have recently been confirmed in NSW and other Australian

jurisdictions (some which have resulted in death), including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in NSW.

Once the vehicle is stopped, police can request the name and residential address of adult occupants under authority of cl 24AA(3) of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021* to check compliance with the Health Minister's direction that a person must not travel in a vehicle in the regional NSW area with another person who is not from the same household.

WEARING FITTED FACE COVERINGS IN AN AFFECTED REGIONAL AREA

There are a number of circumstances in which people in the regional NSW area must wear and carry fitted face coverings. Please see requirements under Directions that apply to all NSW in Fact Sheet 28.

Further information

If you have any questions about the Public Health Orders or the exercise of your powers, you can consult the Legal Services Unit at the POC on 02 9215 3130 (23130) or the IMT Investigations Unit on 02 9215 3121 (23121).

Penalties

PENALTY NOTICE	Offence Code	Fine Amount
<p>Child/young person fail to comply with a noticed direction in relation to section 7/8/9 – COVID-19 – Face Covering</p> <p>FACE COVERING OFFENCES – CHILDREN</p>	<p>97105 (15 years old or younger not wear/carry fitted face covering) Reg Code HZZ</p>	\$40
	<p>97104 (16 or 17 years old not wear/carry fitted face covering) Reg Code PUW</p> <p>CHILDREN 12 YRS & UNDER ARE EXEMPT AND CANNOT RECEIVE A PENALTY NOTICE FOR A FACE COVERING OFFENCE</p>	\$80
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – (breach of a face covering direction)</p> <p>FACE COVERING OFFENCES - ADULTS</p>	<p>96587 (Not wear fitted face covering in retail/business premises) Reg Code YLL</p>	\$500
	<p>96588 (Not wear fitted face covering in licensed gaming area) Reg Code EIJ</p>	\$500
	<p>96589 (Not wear fitted face covering in entertainment facility) Reg Code QLU</p>	\$500
	<p>96590 (Not wear fitted face covering in place of public worship etc) Reg Code CRL</p>	\$500
	<p>96591 (Not wear fitted face covering residential aged care facility) Reg Code OXS</p>	\$500
	<p>96592 (Not wear fitted face covering public transport waiting area) Reg Code FIQ</p>	\$500
	<p>96593 (Not wear fitted face covering in</p>	\$500

	<p>public transport/taxi etc) Reg Code XFT</p> <p>96594 (Not wear fitted face covering - hospitality venue worker) Reg Code SBR</p> <p>96595 (Operator not ensure hospitality workers wear fitted face coverings - individual) Reg Code WAN</p> <p>896595 (Operator not ensure hospitality workers wear fitted face coverings - corporation) Reg Code EJO</p> <p>96953 (Not wear face covering in indoor area of non-residential premises) Reg Code OPI</p> <p>96954 (Not wear fitted face covering in prescribed outdoor gathering) Reg Code HSY</p> <p>97001 (Not wear fitted face covering indoor area of common property – Greater Sydney which incl Affected Regional Area) Reg Code MME</p> <p>96960 (Fail to comply with any other wear face covering directive) – individual Reg Code GYJ</p>	<p>\$500</p> <p>\$1000</p> <p>\$5000</p> <p>\$500</p> <p>\$500</p> <p>\$500</p> <p>\$500</p>
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – individual (other than face covering breaches)</p> <p>OTHER BREACHES – INDIVIDUALS</p>	<p>97265 - Not comply with outdoor public gatherings direction New Reg Code DFZ</p> <p>97266 – Fail to comply with contact tracer requirements New Reg Code ECV</p> <p>95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order) Reg Code ZZE</p> <p>97091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) – Individual Reg Code OJG</p>	<p>\$3,000</p> <p>\$5,000</p> <p>\$1,000</p> <p>\$2,000</p>
<p>Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – corporation</p> <p>OTHER BREACHES – CORPORATIONS</p>	<p>895638 Fail to comply with noticed direction (other than a face covering breach) – corporation Reg Code YUW</p> <p>897091 Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) – Corporation Reg Code IIX</p>	<p>\$5,000</p> <p>\$10,000</p>
COURT ATTENDANCE NOTICE	Law Part Code	Penalty

Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)

ALL OFFENCES – INDIVIDUALS & CORPORATIONS COURT ATTENDANCE NOTICE

- 97105** (15 years old or younger not wear/carry fitted face covering)
- 97104** (16 or 17 years old not wear/carry fitted face covering)
- 96587** (Not wear fitted face covering in retail/business premises)
- 96588** (Not wear fitted face covering in licensed gaming area)
- 96589** (Not wear fitted face covering in entertainment facility)
- 96590** (Not wear fitted face covering in place of public worship etc)
- 96591** (Not wear fitted face covering residential aged care facility)
- 96592** (Not wear fitted face covering public transport waiting area)
- 96593** (Not wear fitted face covering in public transport/taxi etc)
- 96594** (Not wear fitted face covering - hospitality venue worker)
- 96595** (Operator not ensure hospitality workers wear fitted face coverings – individual or corporation)
- 96953** (Not wear face covering in indoor area of non-residential premises)
- 96954** (Not wear fitted face covering in prescribed outdoor gathering)
- 97001** (Not wear fitted face covering indoor area of common property – Greater Sydney or an Affected Regional Area)
- 96960** (Fail to comply with any other wear face covering directive) – individual or corporation
- 97091** Employer fail to require employee to work from home (Greater Sydney which incl Affected Regional Area) - Individual
- 97265** - Not comply with outdoor public gatherings direction **New**
- 97266** – Fail to comply with contact tracer requirements **New**
- 95638** Fail to comply with noticed direction (other than a face covering breach or other listed breach) **(this is the offence for any other breach of this Order)**

Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues

Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

Annexure A – Exempted Gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 St 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

ISSUE 34

Health Minister's COVID-19

Special directions for Regional NSW Area:

Exercise, outdoor recreation and shopping

Public Health Act 2010

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021 sets out special directions for Regional NSW that expire at the beginning of 28 August 2021.

Obtaining food, goods and services

- It is a reasonable excuse for a person to leave home to obtain food, goods and services
- This must be done within the person's own LGA **OR** no further than a 5km radius from the person's home if in another LGA **UNLESS** the food, goods and services are not reasonably available in this area, then a person can travel beyond these limits
- Only one person from each home can leave home to obtain food, goods and services each day **UNLESS** it is not reasonably practicable
- A person 16 years of age or older must carry evidence of their name and address or temporary accommodation and produce it to police on request

Exercise and outdoor recreation

- The order does not define outdoor recreation. It is broad and includes a pastime that is enjoyable
- It is a reasonable excuse to leave home for exercise and outdoor recreation
- This must be done within the person's own LGA **OR** no further than a 5km radius from the person's home if in another LGA
- A person 16 years of age or older must carry evidence of their name and address or temporary accommodation and produce it to police on request
- No car pooling allowed to travel to and from exercise or outdoor recreation unless the other person is from the same household or the nominated visitor of a person who lives alone (singles bubble visitor)

Outdoor public gatherings

- A person must not participate in an outdoor public gathering of more than **2 persons**.
- The 2 person limit does not apply to the following:
 - persons working; caring or assisting vulnerable persons; an exempted gathering
 - gatherings of persons from the same household; to provide emergency assistance to a person/s; to fulfil a legal obligation; to move to a new home, and including a business moving to new premises.

ISSUE 35

Health Minister's COVID-19

Special directions for Greater Sydney

Exercise, outdoor recreation and shopping

Public Health Act 2010

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021 sets out special directions for Greater Sydney.

Greater Sydney except an area of concern

Greater Sydney, except for an area of concern, is a **stay at home area**. Greater Sydney includes the Blue Mountains and the City of Wollongong.

Obtaining food, goods and services

- It is a reasonable excuse for a person to leave home to obtain food, goods and services
- This must be done within the person's own LGA **OR** no further than a 5km radius from the person's home if in another LGA **UNLESS** the food, goods and services are not reasonably available in this area, then a person can travel beyond these limits
- Food, goods and services cannot be obtained in an area of concern
- Only one person from each home can leave home to obtain food, goods and services each day **UNLESS** it is not reasonably practicable
- A person 16 years of age or older must carry evidence of their name and address or temporary accommodation and produce it to police on request

Exercise and outdoor recreation

- The order does not define outdoor recreation. It is broad and includes a pastime that is enjoyable
- It is a reasonable excuse to leave home for exercise and outdoor recreation
- This must be done within the person's own LGA **OR** no further than a 5km radius from the person's home if in another LGA
- A person 16 years of age or older must carry evidence of their name and address or temporary accommodation and produce it to police on request
- No car pooling allowed to travel to and from exercise or outdoor recreation unless the other person is from the same household or the nominated visitor of a person who lives alone (singles bubble visitor)

Outdoor public gatherings

- A person must not participate in an outdoor public gathering of more than **2 persons**.
- The 2 person limit does not apply to the following:
 - persons working; caring or assisting vulnerable persons; an exempted gathering
 - gatherings of persons from the same household; to provide emergency assistance to a person/s; to fulfil a legal obligation; to move to a new home, and including a business moving to new premises.

Areas of Concern

Areas of Concern: Bayside, Blacktown, Burwood, Campbelltown, Canterbury-Bankstown, Cumberland, Fairfield, Georges River, Liverpool, Parramatta, parts of Penrith, Strathfield

Obtaining food, goods and services

- It is a reasonable excuse for a person to leave home to obtain food, goods and services
- This must be done:
 - no further than a 5km radius from the person's home, OR
 - if they are not reasonably available in this radius, then in another part of the person's LGA, OR
 - if they are not available in the person's LGA, then the closest place in Greater Sydney they are available
- Only one person from each home can leave home to obtain food, goods and services each day **UNLESS** it is not reasonably practicable
- A person 16 years of age or older must carry evidence of their name and address or temporary accommodation and produce it to police on request

Exercise

- It is a reasonable excuse to leave home for exercise or to allow/supervise a child 12 years and under who is exercising or playing. Outdoor recreation is not permitted in an area of concern
- This must be done no further than a 5km radius from the person's home
- A person 16 years of age or older must carry evidence of their name and address or temporary accommodation and produce it to police on request
- No car pooling allowed to travel to and from exercise or outdoor recreation unless the other person is from the same household or the nominated visitor of a person who lives alone (singles bubble visitor)

Outdoor public gatherings

- A person must not participate in an outdoor public gathering of more than **2 persons**.
- The 2 person limit does not apply to the following:
 - persons working; caring or assisting vulnerable persons; an exempted gathering
 - gatherings of persons from the same household; to provide emergency assistance to a person/s; to fulfil a legal obligation; to move to a new home, and including a business moving to new premises.

Moving between an area of concern and other areas of concern or other part of NSW

- There is no general restriction on movement between an area of concern and another area of concern or other part of NSW, other than the restrictions on movement between Greater Sydney and regional NSW
- A person outside an area of concern must not travel into an area of concern to obtain food, goods and services
- A worker who lives in an area of concern must not travel outside an area of concern for work unless they are an authorised worker
- A person who lives in an area of concern must not enter a construction site in Greater Sydney unless they comply with the COVID-19 vaccination requirements
- A person from an area of concern cannot be a nominated visitor for a person living outside an area of concern and a nominated visitor for a person in an area of concern must live within 5km of the person

Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021

FACT SHEET 36

Additional Restrictions for Delta Outbreak

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021 commenced 21 August 2021.

Restrictions applicable to an area in NSW is based on the LEVEL of Risk that applies to that area. There are 3 areas: **The general area**, the **stay at home area** and the **area of concern**.

General area: the whole of the State is in the general area other than an area that is a stay at home area or an area of concern

Stay at home area: Greater Sydney other than a part of Greater Sydney listed as an area of concern; Regional NSW other than a part of the regional NSW area that is an area of concern

Areas of concern: LGAs of Bayside, City of Blacktown, Burwood, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool, City of Parramatta, Strathfield, and the following suburbs within the City of Penrith (Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys)

Directions applying to **the general area**

(A) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises (including an operator of a vehicle or vessel) in the general area must not allow more than the greater of 25 persons or the 4 sqm rule on the premises.

This **does not apply to:**

- a place of residence, holiday home or short-term rental
- an entertainment facility
- a recreation facility (major)
- a group class at a gym or a group dance class at a recreation facility (indoor)
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- holiday homes and short-term rentals

- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person and the number of persons on the premises, the following are not included:

- any person engaged in work for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

(ii) Holiday home or short-term rental

An occupier of premises in the general area must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commits an offence if there are more than 5 persons present.

(iii) Place of residence

Each adult member of a household in the general area must not allow more than **5 visitors** at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to contact arrangements between a parent and child or between children who are siblings who do not live in the same household
- there because of an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- inspecting the place of residence for for sale or lease or participating in an auction of the place of residence
- at the place of residence to attend a funeral, memorial or wedding service or gathering afterwards.

(iv) Entertainment facility or recreation facility (major)

The occupier of an **entertainment facility** in the general area must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** in the general area must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule of unfixed seating OR the 4sqm rule in the facility.

If an entertainment facility relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats. This is also the case for a recreation facility (major) that relies on the total of 50% of the fixed seating capacity plus the 4sqm rule calculation.

(v) Gymnasium and recreation facility (indoor)

The occupier of a gymnasium in the general area must not allow more than 20 persons to attend a group class at the gymnasium.

The occupier of a recreation facility (indoor) in the general area must not allow more than 20 persons to attend a group dance class at the facility.

(B) Fitted face coverings

A person over 12 years old in the general area must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (see **Schedule B** for information on these types of gatherings)
- working at a hospitality venue and dealing directly with members of the public.

The operator of a hospitality venue in the general area must ensure all persons working at the venue comply with this requirement.

There are a number of **exemptions** to these face covering rules:

- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. A person must carry and provide a police officer for inspection on request:
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working if the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or enunciation and visibility of the person's mouth is essential or the work is in an indoor area and no other person is present or the work is at a school
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- in a vehicle where no other person is in the vehicle except a member of the person's household
- in a hotel, motel or other accommodation as a guest and the person is in their room
- the person is a student at a school
- the person is in a public hospital or private health facility as a patient
- a resident in a residential aged care facility
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in the process of getting married

(C) Miscellaneous

(i) Working from home

An employer must allow an employee whose place of residence is in the general area to work at the employee's place of residence if it is reasonably practicable to do so.

(ii) Singing indoors

The occupier of premises in a general area must not allow a person to sing in an indoor area. This does **not** apply to –

- a place of residence
- an educational establishment
- a performer who is performing or rehearsing

- a person who is engaged in instruction in singing

(iii) Dancing indoors at a hospitality venue or nightclub

The occupier of premises in the general area that is a hospitality venue or a nightclub must not allow a person to dance in an indoor area. This does **not** apply to dancing at a wedding if:

- the persons dancing are members of the wedding party, and
- no more than 20 persons dance at any one time.

(iv) Consuming alcohol while seated only

The occupier of premises in the general area must not allow a person to consume alcohol in an indoor area unless the person is seated. This does **not** apply to a place of residence.

Directions applying to **stay at home areas**

(A) Staying at home

A person who has been in a stay at home area at any time while the area was identified as a stay at home area must not, without reasonable excuse be away from the person's home wherever located, or temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in a stay at home area during the previous 14 days.

Reasonable excuses for a stay at home area are to/for:

- Work if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together. In some circumstances such as an anniversary of the death or a child or close family member a visit to a grave will be permitted. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements

FOR INTERNAL USE ONLY

- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect a new home
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtain food, goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pet.
 - unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA or no further than 5km from the person's home or temporary accommodation and not in an area of concern
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request
 - only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted
- Exercise or outdoor recreation if:
 - undertaken within the person's LGA or in another LGA no further than 5km from the person's home or temporary accommodation
 - for a person 16 years and over, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people.
- Attending a small funeral or memorial service or gathering afterwards in the stay at home area, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the stay at home area it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend.

Taking a holiday is NOT a reasonable excuse

Note: Coastal waters are part of the closest LGA.

(B) Closure of premises

(i) Premises that must not be open

The following premises in a stay at home area must not be open to members of the public:

- amusement centres
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses
- betting agencies
- markets that do not predominantly sell food
- gaming lounges
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property operated by the National Trust or the Historic Houses Trust
- sex services premises
- sex on premises venues
- strip clubs

(ii) Premises that must not be open except in limited circumstances

The following premises in a stay at home area must not be open to members of the public except as provided:

- Entertainment facilities
- Food and drink premises, other than cafeterias in workplaces
- Information and education facilities
- Micro-breweries or small distilleries holding a drink on premises authorization under the Liquor Act 2007 or cellar door premises
- Places of public worship
- Pubs, clubs and casinos
- Recreation facilities (indoor)

These premises may be open:

FOR INTERNAL USE ONLY

- To sell food or beverages off premises or in a shopping centre outside the shopping centre
- If the premises are part of hotel or motel accommodation to provide accommodation including providing food and beverages to guests to consume in their rooms
- To hold a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- To provide educational services or childcare

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

(iii) Retail premises

All retail premises in a stay at home area must be closed to the public except:

- Chemists and pharmacies
- Garden centres and plant nurseries
- Hardware and building supplies
- Kiosks
- Landscaping material supplies
- Rural supplies
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide "click and collect" and home delivery services.

(iv) Caravan parks and camping grounds

Caravan parks or camping grounds must not be open to the public in the stay at home area except to:

- provide accommodation to the following:
 - permanent residents of the premises,
 - overnight travelers,
 - persons working in the local area,
 - persons who have no permanent place of residence, and
- allow persons to visit a person who is staying in accommodation on the premises

A person can stay in accommodation if the person –

- was staying at the premises before the relevant date (the date the area was included as a stay at home area), and
- is still staying there under a booking made before the relevant date that has not been extended after that date.

(v) Exceptions

Nothing prevents premises in a stay at home area to be open:

- 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 people, or
- as an early education and care facility.

(C) Maximum number of persons permitted on premises

(i) Generally

The occupier of premises in a stay at home area (including an operator of a vehicle or vessel) must not allow more persons than the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence, holiday home or short-term rental
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

(ii) Holiday home or short-term rental

The occupier of premises in a stay at home area must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence for the purposes of this Order.

(iii) Place of residence

Each member of the household who is an adult must not allow a person to visit the household unless the person is an authorised visitor. A person must not visit a home in a stay at home area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes -

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives in the stay at home area but not an area of concern.

The person must have been issued a permit by Service NSW to for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in a stay at home area to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in a stay at home area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time, or
- it is carried out in an indoor area of a home and the work is not necessary no more than 2 workers are in an indoor area of the place of residence at any 1 time, and no person, other than another worker, is in the same room as the worker

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

Vehicles (car pooling)

A person must not be in a vehicle in a stay at home area with another person other someone from their household or the person's nominated visitor.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request.

This does **not apply to** a vehicle being used to engage in work (such as police cars), for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

(D) Outdoor public gatherings

A person must not participate in an outdoor public gathering in a stay at home area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons carrying out work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

(E) Fitted face coverings

A person over the age of 12 years in a stay at home area must carry a fitted face covering unless the person is at their place of residence.

A person over the age of 12 years in a stay at home area must wear a fitted face covering (over both the nose and mouth) at all times while in settings that also apply to the general area – refer to *fitted face coverings* in the **general area**.

In addition, a person in a stay at home area must wear a fitted face covering:

- in an indoor area on common property for residential premises,
- in an outdoor area of a market that predominantly sells food, or
- in an outdoor area that is close to food and drink premises of retail premises (e.g. queuing outside a café or shop or walking on a street near shop fronts)
- in an outdoor area while the person is working.

The same exceptions that apply to the wearing of face coverings in the general area apply to a stay at home area.

(F) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in a stay at home area to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in a stay at home area must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in an education establishment, or
- the persons are singing for the purpose of instruction in singing.

(iii) Property inspections

A person must not conduct an open inspection of premises in a stay at home area for the purposes of the sale or lease of the premises in a stay at home area where people attend in person.

This does not prevent a person carrying out an inspection of premises if—

- the person has made an appointment to carry out the inspection, and
- no more than 1 person inspects the premises at any 1 time.

(iv) Auctions

A person must not conduct an auction at premises in a stay at home area at which persons attend in persons.

An auction for food supply, or livestock, fibre or crops is exempt from this direction and can continue to be open to the public for this purpose.

Directions applying to **areas of concern**

(A) Staying at home

A person whose place of residence is in an area of concern must not, without reasonable excuse be away from the person's home wherever located, or be away from the temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in an area of concern area during the previous 14 days.

Reasonable excuses for an area of concern are:

- Work if it is not reasonably practicable to work from home

FOR INTERNAL USE ONLY

- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together. In some circumstances such as an anniversary of the death or a child or close family member a visit to a grave will be permitted. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect a new home
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- obtaining goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - the goods and services must be obtained within 5km from the person's home or temporary accommodation. If they are not reasonably available in the 5km radius, they must be obtained from another place in the area of concern, or if they are not reasonably available in the area of concern, from the closest place to the home that they are reasonably available (for an area of concern in Greater Sydney this must be in Greater Sydney).
 - A person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.

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- Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- Exercising, allowing a child who is 12 years or younger to play, supervising a child who is 12 years or younger who has left the residence to play no further than 5km from the person's place of residence
 - for a person 16 years or over who is exercising or taking a child to play or supervising a child playing must carry evidence of their name and address or temporary accommodation and produce it to police if requested
- attending a small funeral or memorial service or gathering afterwards in the area of concern, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the area of concern it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend.

(B) Leaving an area of concern for work

A person who lives in an area of concern must not leave the area of concern for the purposes of work unless the person is an authorised worker. The list of authorised workers can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>

An authorised worker 16 years or older who is leaving an area of concern for work must carry evidence showing the person's name and address and produce the evidence for inspection if requested to do so by a police officer.

(C) Closure of premises

(i) Premises that must not be open

Premises in an area of concern that must not be open to members of the public are the same as those that apply to premises in a stay at home area. Refer above.

(ii) Premises that must not be open except in limited circumstances

Premises in an area of concern that must not be open to members of the public except in limited circumstances are the same as those that apply to premises in a stay at home area. Refer above.

(iii) Retail premises

The retail premises in an area of concern that must not be open to members of the public except in limited circumstances are the same as those that apply to premises in a stay at home area. Refer above.

(iv) Caravan parks and camping grounds

Rules around caravan parks or camping grounds in an area of concern are the same as those caravan parks or camping grounds in a stay at home area. Refer above.

(v) Exceptions

Exceptions that apply to premises in stay at home area also apply to premises in an area of concern. Refer above.

(D) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises in an area of concern (including an operator of a vehicle or vessel) is subject to the same capacity restrictions as those premises in a stay at home area. Refer above.

(ii) Holiday home or short-term rental

The occupier of premises in an area of concern must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

(iii) Place of residence

If the place of residence of a household is in an area of concern, each member of the household who is an adult must not allow a person to visit the place of residence unless the person is an authorised visitor. A person must not visit a place of residence in an area of concern area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes -

- for childcare
- for family contact arrangements

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- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives within 5 km of the person.

The person must have been issued a permit by Service NSW to for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in an area of concern to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in an area of concern area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time, or

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or

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- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

(vi) Vehicles (car pooling)

A person in a vehicle in an area of concern is subject to the same limitations and requirements as a person in a vehicle in a stay at home area – refer above.

(vii) Construction sites

An occupier of a construction site in an area of concern is subject to the same requirements and obligations as an occupier of a construction site in a stay at home area.

(E) Outdoor public gatherings

A person in an area of concern must not participate in an outdoor public gathering of more than **2 persons** just like in a stay at home area.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

(F) Fitted face coverings

A person in an area of concern must carry a fitted face covering unless the person is at their place of residence.

A person in an area of concern must wear a fitted face covering while the person is –

- in an indoor area or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service

The same exceptions that apply to the wearing of face coverings in a general area apply to areas of concern – refer above.

(G) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in an area of concern to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in an area of concern is subject to the same restrictions on singing indoors as an occupier of non-residential premises in a stay at home area. Refer above.

(iii) Property inspections and auctions

Property inspections in an area of concern are subject to the same restrictions as those in a stay at home area.

(iv) Auctions

Auctions in an area of concern are subject to the same restrictions as those in a stay at home area. Refer above.

Additional directions for Greater Sydney

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

(A) Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- Work if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together
- Family contact arrangements
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect a new home
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care

Taking a holiday is NOT a reasonable excuse.

(B) Leaving Greater Sydney

(i) Testing of workers leaving Greater Sydney

A person who resides in Greater Sydney must not enter premises that are more than 50km outside of Greater Sydney for the purposes of work unless the person –

- has been tested for COVID-19 in the previous 7 days, and
- carries evidence of the test, and
- carries evidence showing the address of the person's place of residence.

For not residential premises, the occupier must not allow the person to enter or remain on the premises unless the person satisfies the occupier that the person has been tested for COVID-19 within the previous 7 days.

The person must produce the evidence of the test for inspection by the occupier of the or employer on request.

The person 16 years and older must, if requested to do so by a police officer, produce evidence of the test and evidence showing the person's address.

Exemption: an emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties (e.g. attending a urgent callout while on shift).

(ii) Permits for persons leaving Greater Sydney

A person who resides in Greater Sydney who:

- is moving either temporarily or permanently to a place of residence outside Greater Sydney, or
- goes more than 50km from Greater Sydney to carry out work, or
- is leaving Greater Sydney to inspect residential property

must not leave Greater Sydney without a permit issued by Service NSW.

The person must comply with the conditions included in the permit and must carry the permit and produce the permit for inspection if requested do so by a police officer.

A person does not need a permit to provide emergency services. Until 3:00pm on 25 August 2021, NSW Health staff, a person providing services t a local health district or a statutory health corporation, a staff member licensed under the Private Health Facilities Act 2007, a medical practitioner providing GP locum services and a member of the ADF are also exempt.

(iii) Leaving Sydney to move between homes or to inspect property

A person who resides in Greater Sydney must not leave Greater Sydney:

- to move between places of residence of the person unless the movement:
 - is for the person's work and only the person moves to the other place of residence, or
 - is for urgent maintenance or repairs or animal welfare and only 1 person moves to the other place of residence, or
- to inspect residential property unless:
 - the person has a genuine intention to reside outside Greater Sydney as soon as practicable, and
 - the person inspects the property as a potential place of residence for the person.

(iv) Carrying evidence of name and address when leaving Greater Sydney

A person who is 16 years and older who resides in Greater Sydney and who is outside Greater Sydney must:

- carry evidence showing the address of the person's name and place of residence, and
- produce the evidence for inspection if requested to do so by a police officer.

(C) Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site's current resourcing plan (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist.

(i) Vaccination required to work on construction sites in Greater Sydney

A person whose place of residence or temporary accommodation is in an area of concern must not enter or remain on a construction site in Greater Sydney unless the person:

- has had 2 doses of a COVID-19 vaccine, or
- has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- has had 1 dose of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- has a certified medical contraindication and has been tested for COVID-19 in the 72 hours before being on site. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person's employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The 'required evidence' includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Other directions applying to all areas

(D) Answering questions from contact tracers and providing other information

A person must, if requested by an authorised contact tracer:

- answer questions or provide other information about the person's movement, and
- provide the person's contact details.

A person must provide true and accurate evidence or information to a contact tracer.

A person must also provide true and accurate evidence and information in response to a request under the order or to Service NSW.

(E) Testing of certain categories of workers

CURRENTLY APPLIES TO:

- 1. All workers from the Canterbury-Bankstown LGA entering premises for work outside the Canterbury-Bankstown LGA**
- 2. Health and aged care workers from the LGA of City of Fairfield working at premises outside the City of Fairfield LGA**
- 3. Health and aged care workers from the LGA of Cumberland working at premises outside the LGA of Cumberland**

A person who is a worker in an identified category and whose place of residence is in an identified area must not work at premises outside the LGA in which the person resides unless the person:

- the worker has been tested for COVID-19 in the 72 hours before, and

- the worker carries evidence of the test and their name and address available for inspection by their employer or occupier of the premises and a police officer if they are at least 16 years old (an SMS text message or email can be evidence of a test. The evidence must be true and accurate).

A person must provide true and accurate information (including proof of residence and evidence that the person has been tested for COVID-19) to a police officer on request, to ensure compliance.

An employer/occupier of premises (except in residential premises) must not allow a worker subject to these testing requirements to enter or remain at the premises who has not complied with these requirements.

Exemption: An emergency service worker to which this clause applies must be tested for COVID-19 at least every 7 days. The worker must provide evidence of the test to their employer and police officer on request.

(F) Travelling through State

This Order does not apply to a person merely because the person:

- travels through the State in a vehicle if the person does not leave the vehicle while in the State, or
- enters the State by road and then travels through the State by the most practicable direct route, or
- enters the State by air and does not leave the airport while in the State, or
- enters the State by vessel or aircraft and then travels directly from the port or airport at which the persons arrived to leave the State by the most practicable direct route, or
- enters the State to travel to a port or airport to leave the State and then travels to the port or airport by the most practicable direct route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Schedule A: Exempted gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine or of the commercial vessel
- 11** Gathering at a school, university or other educational institution or childcare 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 St 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

Schedule B: COVID-19 safe outdoor gatherings and controlled outdoor public gatherings

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

A **COVID-19 safe outdoor gathering** is a gathering where the organiser:

- has and complies with the appropriate COVID-19 Safety Plan, and
- keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.

The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:

- the number permitted by the 4 sqm rule for the premises, or
- 5,000 persons.

These rules do not apply to:

- a gathering for which a COVID-19 Safety Plan is required (see table below)
- an exempted gathering listed in Annexure A of this Fact Sheet,
- a gathering to provide emergency assistance to a person or persons,

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- an agricultural show or agricultural field day,
- a controlled outdoor public gathering.

A ***controlled outdoor public gathering*** is:

- held in an area that is enclosed or bounded by fencing or another form of barrier, and requires a ticket to enter, and
- all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.

The restrictions on controlled outdoor public gatherings do not apply to:

- a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
- a gathering listed in **Schedule A** (exempted gatherings)

The organiser of a controlled public gathering must:

- ensure the above requirements are met
- have and comply with the appropriate COVID-19 Safety Plan, and
- keep a copy of the COVID-19 Safety Plan and make it available for inspection.

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No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities
22	Markets

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23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Notes on police powers

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

Powers generally

- Unless otherwise provided for in this Order, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPR. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPR, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPR allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPR if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

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TOPIC	PENALTY NOTICE	OFFENCE CODE	REG CODE	PENALTY AMOUNT
FACE COVERINGS - CHILDREN	15 years old or younger not wear/carry fitted face covering	97105	Reg Code HZZ	\$40
*Remember a child under 12 can not be infringed for face covering offences as they are exempt.	16 or 17 years old not wear/carry fitted face covering	97104	Reg Code PUW	\$80
FACE COVERINGS - ADULT	Not wear fitted face covering in retail/business premises	96587	Reg Code YLL	\$500
	Not wear fitted face covering in licensed gaming area	96588	Reg Code EIJ	\$500
	Not wear fitted face covering in entertainment facility	96589	Reg Code QLU	\$500
	Not wear fitted face covering in place of public worship etc	96590	Reg Code CRL	\$500
	Not wear fitted face covering residential aged care facility)	96591	Reg Code OXS	\$500
	Not wear fitted face covering public transport waiting area)	96592	Reg Code FIQ	\$500
	Not wear fitted face covering in public transport/taxi etc)	96593	Reg Code XFT	\$500
	Not wear fitted face covering - hospitality venue worker	96594	Reg Code SBR	\$500
	Operator not ensure hospitality workers wear fitted face coverings - individual	96595	Reg Code WAN	\$1,000
>> 896595 - Corporation Only >>	Operator not ensure hospitality workers wear fitted face coverings - corporation	896595	Reg Code EJO	\$5,000
	Not wear face covering in indoor area of non-residential premises	96953	Reg Code OPI	\$500
	Not wear fitted face covering in prescribed outdoor gathering	96954	Reg Code HSY	\$500
	Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001	Reg Code MME	\$500
	Fail to comply with any other wear face covering directive – individual	96960	Reg Code GYJ	\$500
Outdoor Gatherings	Not comply with outdoor public gatherings direction	97265	Reg Code DFZ	\$3,000

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Contact Tracer Requirements	Fail to comply with contact tracer requirements	97266	Reg Code ECV	\$5,000
Working from Home	Employer fail to require employee to work from home (stay at home area of area of concern) – Individual	97091	Reg Code OJG	\$2,000
>> 897091 Corporation Only >>	Employer fail to require employee to work from home (stay at home area or area of concern) – Corporation	897091	Reg Code IIX	\$10,000
Construction Sites	Enter/remain on construction site not vaccinated/tested as prescribed – individual	97246	Reg Code EUG	\$2,000
>> 897248 Corporation Only >>	Occupier of construction site permit unlawful entry – corporation	897248	Reg Code TKY	\$10,000
	Enter/remain on construction site not have/produce prescribed evidence – individual	97247	Reg Code XXT	\$2,000
	Occupier of construction site permit unlawful entry etc – individual	97248	Reg Code PXP	\$2,000
Any Other Breach Not Listed	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order by an Individual)	95638	Reg Code ZZE	\$1,000
>> Corporation Only >>	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – CORPORATION (this is the offence for any other breach of this Order by a Corporation)	895638	Reg Code YUW	\$5,000
COURT ATTENDANCE NOTICE	LAW PART CODE	PENALTY		
15 years old or younger not wear/carry fitted face covering	97105	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues		

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16 or 17 years old not wear/carry fitted face covering	97104	<p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>	
Not wear fitted face covering in retail/business premises	96587		
Not wear fitted face covering in licensed gaming area	96588		
Not wear fitted face covering in entertainment facility	96589		
Not wear fitted face covering in place of public worship etc	96590		
Not wear fitted face covering residential aged care facility	96591		
Not wear fitted face covering public transport waiting area	96592		
Not wear fitted face covering in public transport/taxi etc	96593		
Not wear fitted face covering - hospitality venue worker	96594		
Operator not ensure hospitality workers wear fitted face coverings - individual or corporation	96595		
Not wear face covering in indoor area of non-residential premises	96953		
Not wear fitted face covering in prescribed outdoor gathering	96954		
Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001		

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Fail to comply with any other wear face covering directive – individual or corporation	96960		
Not comply with outdoor public gatherings direction	97265		
Fail to comply with contact tracer requirements	97266		
Employer fail to require employee to work from home (stay at home area of area of concern) – Individual or corporation	97091		
Enter/remain on construction site not vaccinated/tested as prescribed – individual	97246		
Enter/remain on construction site not have/produce prescribed evidence – individual	97247		
Occupier of construction site permit unlawful entry etc – individual or corporation	97248		
95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual or corporation	95638		

Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021

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Additional Restrictions for Delta Outbreak

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021 commenced 21 August 2021.

Restrictions applicable to an area in NSW is based on the LEVEL of Risk that applies to that area. There are 3 areas: **The general area**, the **stay at home area** and the **area of concern**.

General area: the whole of the State is in the general area other than an area that is a stay at home area or an area of concern

Stay at home area: Greater Sydney other than a part of Greater Sydney listed as an area of concern; Regional NSW other than a part of the regional NSW area that is an area of concern

Areas of concern: LGAs of Bayside, City of Blacktown, Burwood, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool, City of Parramatta, Strathfield, and the following suburbs within the City of Penrith (Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys)

Directions applying to **the general area**

(A) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises (including an operator of a vehicle or vessel) in the general area must not allow more than the greater of 25 persons or the 4 sqm rule on the premises.

This **does not apply to:**

- a place of residence, holiday home or short-term rental
- an entertainment facility
- a recreation facility (major)
- a group class at a gym or a group dance class at a recreation facility (indoor)
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- holiday homes and short-term rentals

- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person and the number of persons on the premises, the following are not included:

- any person engaged in work for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

(ii) Holiday home or short-term rental

An occupier of premises in the general area must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commits an offence if there are more than 5 persons present.

(iii) Place of residence

Each adult member of a household in the general area must not allow more than **5 visitors** at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to contact arrangements between a parent and child or between children who are siblings who do not live in the same household
- there because of an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- inspecting the place of residence for sale or lease or participating in an auction of the place of residence
- at the place of residence to attend a funeral, memorial or wedding service or gathering afterwards.

(iv) Entertainment facility or recreation facility (major)

The occupier of an **entertainment facility** in the general area must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** in the general area must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule of unfixed seating OR the 4sqm rule in the facility.

If an entertainment facility relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats. This is also the case for a recreation facility (major) that relies on the total of 50% of the fixed seating capacity plus the 4sqm rule calculation.

(v) Gymnasium and recreation facility (indoor)

The occupier of a gymnasium in the general area must not allow more than 20 persons to attend a group class at the gymnasium.

The occupier of a recreation facility (indoor) in the general area must not allow more than 20 persons to attend a group dance class at the facility.

(B) Fitted face coverings

A person over 12 years old in the general area must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (see **Schedule B** for information on these types of gatherings)
- working at a hospitality venue and dealing directly with members of the public.

The operator of a hospitality venue in the general area must ensure all persons working at the venue comply with this requirement.

There are a number of **exemptions** to these face covering rules:

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- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. A person must carry and provide a police officer for inspection on request:
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working if the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or enunciation and visibility of the person's mouth is essential or the work is in an indoor area and no other person is present or the work is at a school
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- in a vehicle where no other person is in the vehicle except a member of the person's household or the person's nominated visitor
- in a hotel, motel or other accommodation as a guest and the person is in their room
- the person is a student at a school
- the person is in a public hospital or private health facility as a patient
- a resident in a residential aged care facility
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in the process of getting married

(C) Miscellaneous

(i) Working from home

An employer must allow an employee whose place of residence is in the general area to work at the employee's place of residence if it is reasonably practicable to do so.

(ii) Singing indoors

The occupier of premises in a general area must not allow a person to sing in an indoor area. This does **not** apply to –

- a place of residence
- an educational establishment
- a performer who is performing or rehearsing

- a person who is engaged in instruction in singing

(iii) Dancing indoors at a hospitality venue or nightclub

The occupier of premises in the general area that is a hospitality venue or a nightclub must not allow a person to dance in an indoor area. This does **not** apply to dancing at a wedding if:

- the persons dancing are members of the wedding party, and
- no more than 20 persons dance at any one time.

(iv) Consuming alcohol while seated only

The occupier of premises in the general area must not allow a person to consume alcohol in an indoor area unless the person is seated. This does **not** apply to a place of residence.

Directions applying to **stay at home areas**

(A) Staying at home

A person who has been in a stay at home area at any time while the area was identified as a stay at home area must not, without reasonable excuse be away from the person's home wherever located, or temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in a stay at home area during the previous 14 days.

From 23 August 2021, if requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for a stay at home area are to/for:

- Work if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person

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- Compassionate reasons including where two people are in a relationship but do not live together. In some circumstances such as an anniversary of the death of a child or close family member a visit to a grave will be permitted. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect a new home
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtain food, goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pet.
 - unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA or no further than 5km from the person's home or temporary accommodation and not in an area of concern
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request
 - only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted
- Exercise or outdoor recreation if:
 - undertaken within the person's LGA or in another LGA no further than 5km from the person's home or temporary accommodation
 - for a person 16 years and over, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people.

- Attending a small funeral or memorial service or gathering afterwards in the stay at home area, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the stay at home area it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend.

Taking a holiday is NOT a reasonable excuse

Note: Coastal waters are part of the closest LGA.

(B) Closure of premises

(i) Premises that must not be open

The following premises in a stay at home area must not be open to members of the public:

- amusement centres
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses
- betting agencies
- markets that do not predominantly sell food
- gaming lounges
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property operated by the National Trust or the Historic Houses Trust
- sex services premises
- sex on premises venues
- strip clubs

(ii) Premises that must not be open except in limited circumstances

The following premises in a stay at home area must not be open to members of the public except as provided:

- entertainment facilities
- food and drink premises, other than cafeterias in workplaces
- information and education facilities

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- micro-breweries or small distilleries holding a drink on premises authorization under the Liquor Act 2007 or cellar door premises
- places of public worship
- pubs, clubs and casinos
- recreation facilities (indoor)

These premises may be open:

- to sell food or beverages off premises or in a shopping centre outside the shopping centre
- if the premises are part of hotel or motel accommodation to provide accommodation including providing food and beverages to guests to consume in their rooms
- to hold a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- to provide educational services or childcare

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

(iii) Retail premises

All retail premises in a stay at home area must be closed to the public except:

- chemists and pharmacies
- garden centres and plant nurseries
- hardware and building supplies
- kiosks
- landscaping material supplies
- rural supplies
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies

- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retails premises can still provide “click and collect” and home delivery services.

(iv) Caravan parks and camping grounds

Caravan parks or camping grounds must not be open to the public in the stay at home area except to:

- provide accommodation to the following:
 - permanent residents of the premises,
 - overnight travellers,
 - persons working in the local area,
 - persons who have no permanent place of residence, and
- allow persons to visit a person who is staying in accommodation on the premises

A person can stay in accommodation if the person –

- was staying at the premises before the relevant date (the date the area was included as a stay at home area), and
- is still staying there under a booking made before the relevant date that has not been extended after that date.

(v) Exceptions

Nothing prevents premises in a stay at home area to be open:

- 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 people, or
- as an early education and care facility.

(C) Maximum number of persons permitted on premises

(i) Generally

The occupier of premises in a stay at home area (including an operator of a vehicle or vessel) must not allow more persons than the number allowed by the 4 sqm rule on the premises.

This does not apply to:

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- a place of residence, holiday home or short-term rental
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only.

(ii) Holiday home or short-term rental

The occupier of premises in a stay at home area must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence for the purposes of this Order.

(iii) Place of residence

Each member of the household who is an adult must not allow a person to visit the household unless the person is an authorised visitor. A person must not visit a home in a stay at home area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes -

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together.

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- is a nominated visitor of an individual who resides alone (“nominated visitor”)

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives in the stay at home area but not an area of concern.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer’s responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in a stay at home area to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in a stay at home area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time, or
- it is carried out in an indoor area of a home and the work is not necessary no more than 2 workers are in an indoor area of the place of residence at any 1 time, and no person, other than another worker, is in the same room as the worker

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

Vehicles (car pooling)

A person must not be in a vehicle in a stay at home area with another person other someone from their household or the person’s nominated visitor.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request.

This does **not apply to** a vehicle being used to engage in work (such as police cars), for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

(D) Outdoor public gatherings

A person must not participate in an outdoor public gathering in a stay at home area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons carrying out work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

(E) Fitted face coverings

A person over the age of 12 years in a stay at home area must carry a fitted face covering unless the person is at their place of residence.

A person over the age of 12 years in a stay at home area must wear a fitted face covering (over both the nose and mouth) at all times while in settings that also apply to the general area – refer to *fitted face coverings* in the **general area**.

In addition, from 23 August 2021 a person in a stay at home area must wear a fitted face covering:

- in an indoor or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service.

The operator of a hospitality venue in a stay at home area must ensure all persons working at the venue comply with these rules.

The same exceptions that apply to the wearing of face coverings in the general area apply to a stay at home area. In addition, a person is allowed to remove their face covering in a stay at home area if they are engaging in physical exercise.

(F) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in a stay at home area to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in a stay at home area must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in an education establishment, or
- the persons are singing for the purpose of instruction in singing.

(iii) Property inspections

A person must not conduct an open inspection of premises in a stay at home area for the purposes of the sale or lease of the premises in a stay at home area where people attend in person.

This does not prevent a person carrying out an inspection of premises if—

- the person has made an appointment to carry out the inspection, and
- no more than 1 person inspects the premises at any 1 time.

(iv) Auctions

A person must not conduct an auction at premises in a stay at home area at which persons attend in persons.

An auction for food supply, or livestock, fibre or crops is exempt from this direction and can continue to be open to the public for this purpose.

Directions applying to areas of concern

(A) Staying at home

A person whose place of residence is in an area of concern must not, without reasonable excuse be away from the person's home, or be away from the temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in an area of concern area during the previous 14 days.

Curfew from 23 August 2021: A person in an area of concern is not able to be away from their home between the hours of 9pm on a day and 5am on the following day other than for the purposes of work, arranging childcare, medical reasons or donating blood, providing care to others, emergencies, animal welfare and legal obligations as outlined below.

From 23 August 2021, if requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for an area of concern outside curfew are:

- Work if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together. In some circumstances such as an anniversary of the death of a child or close family member a visit to a grave will be permitted. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare

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- Fulfil legal obligations
 - Accessing public services such as social services, employment services, domestic violence, victim, mental health services
 - Move to a new home or inspect a new home
 - Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
 - Supervise or facilitate a business moving to new premises
 - A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
 - obtaining goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - the goods and services must be obtained within 5km from the person's home or temporary accommodation. If they are not reasonably available in the 5km radius, they must be obtained from another place in the area of concern, or if they are not reasonably available in the area of concern, from the closest place to the home that they are reasonably available (for an area of concern in Greater Sydney this must be in Greater Sydney).
 - A person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.
 - Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
 - Exercising, allowing a child who is 12 years or younger to play, supervising a child who is 12 years or younger who has left the residence to play no further than 5km from the person's place of residence
 - for a person 16 years or over who is exercising or taking a child to play or supervising a child playing must carry evidence of their name and address or temporary accommodation and produce it to police if requested
- From 23 August 2021, a person must not be away from a person's home for more than one hour a day for exercise or supervision of a child's play.
- attending a small funeral or memorial service or gathering afterwards in the area of concern, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the area of concern it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend.

(B) Leaving an area of concern for work

A person who lives in an area of concern must not leave the area of concern for the purposes of work unless the person is an authorised worker. The list of authorised workers can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>

From 28 August 2021, an authorised worker must not leave the area of concern for work without a permit issued by Service NSW. An authorised worker does not need a permit to provide an emergency service.

From 30 August 2021, an authorised worker must not leave the area of concern for work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contraindication certificate. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

When leaving the area of concern for work the authorized worker must carry and produce evidence of the worker's name, address and vaccination for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

This does not apply to a person who is tested as part of a COVID-19 rapid antigen testing program or a person who has not been in the area of concern in the last 14 days.

(C) Entering an area of concern for work

From 28 August 2021, a person must not enter an area of concern to carry out work in the area of concern without a permit issued by Service NSW. A person does not require a permit to provide an emergency service.

(D) Closure of premises

(i) Premises that must not be open

Premises in an area of concern that must not be open to members of the public are the same as those that apply to premises in a stay at home area. Refer above.

(ii) Premises that must not be open except in limited circumstances

Premises in an area of concern that must not be open to members of the public except in limited circumstances are the same as those that apply to premises in a stay at home area. Refer above.

(iii) Retail premises

All retail premises in an area of concern must be closed to the public except:

- chemists and pharmacies

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- kiosks
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- vehicle hire premises (but not premises where vehicles are sold)
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retails premises can still provide “click and collect” and home delivery services.

The following premises must not be open to members of the public, but may be open to trade or business customers:

- Garden centres and plant nurseries
- Hardware and building supplies
- Landscaping material supplies
- Rural supplies
- Timber yards.

(iv) Caravan parks and camping grounds

Rules around caravan parks or camping grounds in an area of concern are the same as those caravan parks or camping grounds in a stay at home area. Refer above.

(v) Exceptions

Exceptions that apply to premises in stay at home area also apply to premises in an area of concern. Refer above.

(E) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises in an area of concern (including an operator of a vehicle or vessel) is subject to the same capacity restrictions as those premises in a stay at home area. Refer above.

(ii) Holiday home or short-term rental

The occupier of premises in an area of concern must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

(iii) Place of residence

If the place of residence of a household is in an area of concern, each member of the household who is an adult must not allow a person to visit the place of residence unless the person is an authorised visitor. A person must not visit a place of residence in an area of concern area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes -

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives within 5 km of the person.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in an area of concern to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in an area of concern area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time.

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

(vi) Vehicles (car pooling)

A person in a vehicle in an area of concern is subject to the same limitations and requirements as a person in a vehicle in a stay at home area – refer above.

(vii) Construction sites

An occupier of a construction site in an area of concern is subject to the same requirements and obligations as an occupier of a construction site in a stay at home area.

(F) Outdoor public gatherings

A person in an area of concern must not participate in an outdoor public gathering of more than **2 persons** just like in a stay at home area.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

(G) Fitted face coverings

A person in an area of concern must carry a fitted face covering unless the person is at their place of residence.

A person in an area of concern must wear a fitted face covering over the nose and mouth while the person is –

- in an indoor area or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service

The same exceptions that apply to the wearing of face coverings in a general area apply to areas of concern – refer above.

(H) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in an area of concern to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in an area of concern is subject to the same restrictions on singing indoors as an occupier of non-residential premises in a stay at home area. Refer above.

(iii) Property inspections and auctions

Property inspections in an area of concern are subject to the same restrictions as those in a stay at home area.

(iv) Educational institutions

From 23 August 2021, classes, lectures, exams or other teaching or assessment sessions must not be conducted at an educational institution in an area of concern if students attend in person. This does not apply to a school or to an educational institution operated by NSW Health.

(v) Vaccinations – early education and care and disability support

From 30 August 2021, a relevant care worker (certain workers in early education and care facilities and providing a disability service) must not enter or remain in the worker's place of work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contradiction certificate. The relevant care worker must, when entering the worker's place of work, carry and produce for inspection evidence of the person's name, address and vaccination if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Additional directions for Greater Sydney

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

(A) Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- Work if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together
- Family contact arrangements
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm

- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect a new home
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care

Taking a holiday is NOT a reasonable excuse.

(B) Leaving Greater Sydney

(i) Testing of workers leaving Greater Sydney

A person who resides in Greater Sydney must not enter premises that are more than 50km outside of Greater Sydney for the purposes of work unless the person –

- has been tested for COVID-19 in the previous 7 days, and
- carries evidence of the test, and
- carries evidence showing the address of the person's place of residence.

For non-residential premises, the occupier must not allow the person to enter or remain on the premises unless the person satisfies the occupier that the person has been tested for COVID-19 within the previous 7 days.

The person must produce the evidence of the test for inspection by the occupier or the person's employer on request.

The person 16 years and older must, if requested to do so by a police officer, produce evidence of the test and evidence showing the person's address.

Exemption: an emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties (e.g. attending a urgent callout while on shift).

(ii) Permits for persons leaving Greater Sydney

A person who resides in Greater Sydney who:

- is moving either temporarily or permanently to a place of residence outside Greater Sydney, or
- goes more than 50km from Greater Sydney to carry out work, or

- is leaving Greater Sydney to inspect residential property

must not leave Greater Sydney without a permit issued by Service NSW.

The person must comply with the conditions included in the permit and must carry the permit and produce the permit for inspection if requested do so by a police officer.

A person does not need a permit to provide emergency services. Until 3:00pm on 25 August 2021, NSW Health staff, a person providing services to a local health district or a statutory health corporation, a staff member licensed under the Private Health Facilities Act 2007, a medical practitioner providing GP locum services and a member of the ADF are also exempt.

(iii) Leaving Sydney to move between homes or to inspect property

A person who resides in Greater Sydney must not leave Greater Sydney:

- to move between places of residence of the person unless the movement:
 - is for the person's work and only the person moves to the other place of residence, or
 - is for urgent maintenance or repairs or animal welfare and only 1 person moves to the other place of residence, or
- to inspect residential property unless:
 - the person has a genuine intention to reside outside Greater Sydney as soon as practicable, and
 - the person inspects the property as a potential place of residence for the person.

(iv) Carrying evidence of name and address when leaving Greater Sydney

A person who is 16 years and older who resides in Greater Sydney and who is outside Greater Sydney must:

- carry evidence showing the address of the person's name and place of residence, and
- produce the evidence for inspection if requested to do so by a police officer.

(C) Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site's current resourcing plan (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist.

(i) Vaccination required to work on construction sites in Greater Sydney

A person whose place of residence or temporary accommodation is in an area of concern must not enter or remain on a construction site in Greater Sydney unless the person:

- has had 2 doses of a COVID-19 vaccine, or
- has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- has had 1 dose of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- has a medical contraindication certificate issued to them and has been tested for COVID-19 in the 72 hours before being on site. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person's employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The 'required evidence' includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Other directions applying to all areas

(D) Answering questions from contact tracers and providing other information

A person must, if requested by an authorised contact tracer:

- answer questions or provide other information about the person's movement, and
- provide the person's contact details.

A person must provide true and accurate evidence or information to a contact tracer.

A person must also provide true and accurate evidence and information in response to a request under the order or to Service NSW.

(E) Responses to police requests about who is in COVID-19 risk premises

A '**COVID-19 risk premises**' is a residence or place at which a person diagnosed with COVID-19 or a close contact is residing.

From 23 August 2021, a person who is residing or present at a COVID-19 risk premises must respond to any request made by a police officer for information about who is residing or present at the premises.

If a police officer knocks at a door of a COVID-19 risk premises, a resident is required to open the door and comply with the request of the officer. A request for information by the officer may include a request to provide the name and contact details of persons residing or present at the premises, whether at the time of the request or generally.

(F) Travelling through State

This Order does not apply to a person merely because the person:

- travels through the State in a vehicle if the person does not leave the vehicle while in the State, or
- enters the State by road and then travels through the State by the most practicable direct route, or
- enters the State by air and does not leave the airport while in the State, or
- enters the State by vessel or aircraft and then travels directly from the port or airport at which the persons arrived to leave the State by the most practicable direct route, or
- enters the State to travel to a port or airport to leave the State and then travels to the port or airport by the most practicable direct route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Schedule A: Exempted gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine or of the commercial vessel

- 11 Gathering at a school, university or other educational institution or childcare 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 St 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

Schedule B: COVID-19 safe outdoor gatherings and controlled outdoor public gatherings

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

A **COVID-19 safe outdoor gathering** is a gathering where the organiser:

- has and complies with the appropriate COVID-19 Safety Plan, and
- keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.

The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:

- the number permitted by the 4 sqm rule for the premises, or
- 5,000 persons.

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These rules do not apply to:

- a gathering for which a COVID-19 Safety Plan is required (see table below)
- an exempted gathering listed in Annexure A of this Fact Sheet,
- a gathering to provide emergency assistance to a person or persons,
- an agricultural show or agricultural field day,
- a controlled outdoor public gathering.

A ***controlled outdoor public gathering*** is:

- held in an area that is enclosed or bounded by fencing or another form of barrier, and requires a ticket to enter, and
- all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.

The restrictions on controlled outdoor public gatherings do not apply to:

- a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
- a gathering listed in **Schedule A** (exempted gatherings)

The organiser of a controlled public gathering must:

- ensure the above requirements are met
- have and comply with the appropriate COVID-19 Safety Plan, and
- keep a copy of the COVID-19 Safety Plan and make it available for inspection.

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No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities
22	Markets

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23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Notes on police powers

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

Powers generally

- Unless otherwise provided for in this Order, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPR. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPR, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPR allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPR if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

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TOPIC	PENALTY NOTICE	OFFENCE CODE	REG CODE	PENALTY AMOUNT
FACE COVERINGS - CHILDREN	15 years old or younger not wear/carry fitted face covering	97105	Reg Code HZZ	\$40
*Remember a child under 12 can not be infringed for face covering offences as they are exempt.	16 or 17 years old not wear/carry fitted face covering	97104	Reg Code PUW	\$80
FACE COVERINGS - ADULT	Not wear fitted face covering in retail/business premises	96587	Reg Code YLL	\$500
	Not wear fitted face covering in licensed gaming area	96588	Reg Code EIJ	\$500
	Not wear fitted face covering in entertainment facility	96589	Reg Code QLU	\$500
	Not wear fitted face covering in place of public worship etc	96590	Reg Code CRL	\$500
	Not wear fitted face covering residential aged care facility)	96591	Reg Code OXS	\$500
	Not wear fitted face covering public transport waiting area)	96592	Reg Code FIQ	\$500
	Not wear fitted face covering in public transport/taxi etc)	96593	Reg Code XFT	\$500
	Not wear fitted face covering - hospitality venue worker	96594	Reg Code SBR	\$500
	Operator not ensure hospitality workers wear fitted face coverings - individual	96595	Reg Code WAN	\$1,000
>> Corporation Only >>	Operator not ensure hospitality workers wear fitted face coverings - corporation	896595	Reg Code EJO	\$5,000
	Not wear face covering in indoor area of non-residential premises	96953	Reg Code OPI	\$500
	Not wear fitted face covering in prescribed outdoor gathering	96954	Reg Code HSY	\$500
	Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001	Reg Code MME	\$500
	Fail to comply with any other wear face covering directive – individual	96960	Reg Code GYJ	\$500
Outdoor Gatherings	Not comply with outdoor public gatherings direction (stay at home area)	97721	Reg Code VKB	\$3,000

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	Not comply with outdoor public gatherings direction (area of concern)	97722	Reg Code BFO	\$3,000
Contact Tracer and Service NSW Requirements	Fail to answer questions from contact tracers and provide details as prescribed	97723	Reg Code XAM	\$5,000
	Not ensure true and accurate information provided to authorized contact tracer	97725	Reg Code AQN	\$5,000
	Not ensure true and accurate information provided to Service NSW	97724	Reg Code CCU	\$5,000
Working from Home	Employer fail to require employee to work from home (stay at home area) – Individual	97711	Reg Code TTA	\$2,000
	Employer fail to require employee to work from home (area of concern) – Individual	97712	Reg Code HSU	\$2,000
>> Corporation Only >>	Employer fail to require employee to work from home (stay at home area) – Corporation	897711	Reg Code KKV	\$10,000
>> Corporation Only >>	Employer fail to require employee to work from home (area of concern) – Corporation	897712	Reg Code IXQ	\$10,000
Construction Sites	Enter/remain on construction site not vaccinated/tested as prescribed – individual	97246	Reg Code EUG	\$2,000
>> Corporation Only >>	Enter/remain on construction site not vaccinated/tested as prescribed – corporation	897246	Reg Code TFF	\$10,000
	Occupier of construction site permit unlawful entry etc – individual	97248	Reg Code PXP	\$2,000
>> Corporation Only >>	Occupier of construction site permit unlawful entry etc – corporation	897248	Reg Code TKY	\$10,000
	Enter/remain on construction site not have/produce prescribed evidence – individual	97247	Reg Code XXT	\$2,000
>> Corporation Only >>	Enter/remain on construction site not have/produce prescribed evidence – corporation	897247	Reg Code FZH	\$10,000
Testing Workers	Not comply with requirements testing workers leaving Greater Sydney	97715	Reg Code CKZ	\$3,000
Leave Greater Sydney	Leave Greater Sydney for prescribed purposes without permit	97716	Reg Code KAA	\$3,000

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	Leave Greater Sydney to unlawfully move between homes or inspect property	97717	Reg Code LFJ	\$3,000
	Person 16 years and over not carry identification evidence outside Greater Sydney	97718	Reg Code FFW	\$3,000
	Person 16 years and over not carry permit outside Greater Sydney	97719	Reg Code PJO	\$3,000
	Person relying on permit not comply with permit conditions	97720	Reg Code HUK	\$3,000
Any Other Breach Not Listed	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order by an Individual)	95638	Reg Code ZZE	\$1,000
>> Corporation Only >>	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – CORPORATION (this is the offence for any other breach of this Order by a Corporation)	895638	Reg Code YUW	\$5,000
COURT ATTENDANCE NOTICE	LAW PART CODE	PENALTY		
15 years old or younger not wear/carry fitted face covering	97105	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues		
16 or 17 years old not wear/carry fitted face covering	97104	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues		

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Not wear fitted face covering in retail/business premises	96587		
Not wear fitted face covering in licensed gaming area	96588		
Not wear fitted face covering in entertainment facility	96589		
Not wear fitted face covering in place of public worship etc	96590		
Not wear fitted face covering residential aged care facility	96591		
Not wear fitted face covering public transport waiting area	96592		
Not wear fitted face covering in public transport/taxi etc	96593		
Not wear fitted face covering - hospitality venue worker	96594		
Operator not ensure hospitality workers wear fitted face coverings - individual or corporation	96595		
Not wear face covering in indoor area of non-residential premises	96953		
Not wear fitted face covering in prescribed outdoor gathering	96954		
Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001		
Fail to comply with any other wear face covering directive – individual or corporation	96960		

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Not comply with outdoor public gatherings direction (stay at home area)	97721		
Not comply with outdoor public gatherings direction (area of concern)	97722		
Fail to answer questions from contact tracers and provide details as prescribed	97723		
Not ensure true and accurate information provided to authorized contact tracer	97725		
Not ensure true and accurate information provided to Service NSW	97724		
Employer fail to require employee to work from home (stay at home area) – individual or corporation	97711		
Employer fail to require employee to work from home (area of concern) – individual or corporation	97712		
Enter/remain on construction site not vaccinated/tested as prescribed – individual or corporation	97246		
Enter/remain on construction site not have/produce prescribed evidence – individual or corporation	97247		
Occupier of construction site permit unlawful entry etc – individual or corporation	97248		

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Not comply with requirements testing workers leaving Greater Sydney	97715		
Leave Greater Sydney for prescribed purposes without permit	97716		
Leave Greater Sydney to unlawfully move between homes or inspect property	97717		
Person 16 years and over not carry identification evidence outside Greater Sydney	97718		
Person 16 years and over not carry permit outside Greater Sydney	97719		
Person relying on permit not comply with permit conditions	97720		
95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual or corporation	95638		

Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021

FACT SHEET 36

Additional Restrictions for Delta Outbreak

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021 commenced 21 August 2021.

Restrictions applicable to an area in NSW is based on the LEVEL of Risk that applies to that area. There are 3 areas: **The general area**, the **stay at home area** and the **area of concern**.

General area: the whole of the State is in the general area other than an area that is a stay at home area or an area of concern

Stay at home area: Greater Sydney other than a part of Greater Sydney listed as an area of concern; Regional NSW other than a part of the regional NSW area that is an area of concern

Areas of concern: LGAs of Bayside, City of Blacktown, Burwood, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool, City of Parramatta, Strathfield, and the following suburbs within the City of Penrith (Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys)

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

Directions applying to **the general area**

(A) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises (including an operator of a vehicle or vessel) in the general area must not allow more than the greater of 25 persons or the 4 sqm rule on the premises.

This **does not apply to:**

- a place of residence, holiday home or short-term rental
- an entertainment facility
- a recreation facility (major)
- a group class at a gym or a group dance class at a recreation facility (indoor)
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel

- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person and the number of persons on the premises, the following are not included:

- any person engaged in work for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

(ii) Holiday home or short-term rental

An occupier of premises in the general area must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commits an offence if there are more than 5 persons present.

(iii) Place of residence

Each adult member of a household in the general area must not allow more than **5 visitors** at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to contact arrangements between a parent and child or between children who are siblings who do not live in the same household
- there because of an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- inspecting the place of residence for sale or lease or participating in an auction of the place of residence

- at the place of residence to attend a funeral, memorial or wedding service or gathering afterwards.

(iv) Entertainment facility or recreation facility (major)

The occupier of an **entertainment facility** in the general area must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** in the general area must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule of unfixed seating OR the 4sqm rule in the facility.

If an entertainment facility relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats. This is also the case for a recreation facility (major) that relies on the total of 50% of the fixed seating capacity plus the 4sqm rule calculation.

(v) Gymnasium and recreation facility (indoor)

The occupier of a gymnasium in the general area must not allow more than 20 persons to attend a group class at the gymnasium.

The occupier of a recreation facility (indoor) in the general area must not allow more than 20 persons to attend a group dance class at the facility.

(B) Fitted face coverings

A person over 12 years old in the general area must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (see **Schedule B** for information on these types of gatherings)
- working at a hospitality venue and dealing directly with members of the public.

The operator of a hospitality venue in the general area must ensure all persons working at the venue comply with this requirement.

There are a number of **exemptions** to these face covering rules:

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- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. A person must carry and provide a police officer for inspection on request:
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working if the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or enunciation and visibility of the person's mouth is essential or the work is in an indoor area and no other person is present or the work is at a school
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- in a vehicle where no other person is in the vehicle except a member of the person's household or the person's nominated visitor
- in a hotel, motel or other accommodation as a guest and the person is in their room
- the person is a student at a school
- the person is in a public hospital or private health facility as a patient
- a resident in a residential aged care facility
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in the process of getting married

(C) Miscellaneous

(i) Working from home

An employer must allow an employee whose place of residence is in the general area to work at the employee's place of residence if it is reasonably practicable to do so.

(ii) Singing indoors

The occupier of premises in a general area must not allow a person to sing in an indoor area. This does **not** apply to –

- a place of residence

- an educational establishment
- a performer who is performing or rehearsing
- a person who is engaged in instruction in singing

(iii) Dancing indoors at a hospitality venue or nightclub

The occupier of premises in the general area that is a hospitality venue or a nightclub must not allow a person to dance in an indoor area. This does **not** apply to dancing at a wedding if:

- the persons dancing are members of the wedding party, and
- no more than 20 persons dance at any one time.

(iv) Consuming alcohol while seated only

The occupier of premises in the general area must not allow a person to consume alcohol in an indoor area unless the person is seated. This does **not** apply to a place of residence.

Directions applying to **stay at home areas**

(A) Staying at home

A person who has been in a stay at home area at any time while the area was identified as a stay at home area must not, without reasonable excuse be away from the person's home wherever located, or temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in a stay at home area during the previous 14 days.

From 23 August 2021, if requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for a stay at home area are to/for:

- Work if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood

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- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together. In some circumstances such as an anniversary of the death of a child or close family member, a visit to a grave will be permitted. Such a visit must be short in duration and the limit on outdoor public gatherings complied with
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect a new home
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtain food, goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA or no further than 5km from the person's home or temporary accommodation and not in an area of concern
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request
 - only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted
- Exercise or outdoor recreation if:
 - undertaken within the person's LGA or in another LGA no further than 5km from the person's home or temporary accommodation
 - for a person 16 years and over, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people.

- Attending a small funeral or memorial service or gathering afterwards in the stay at home area, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the stay at home area it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend.

Taking a holiday is NOT a reasonable excuse

Note: Coastal waters are part of the closest LGA.

(B) Closure of premises

(i) Premises that must not be open

The following premises in a stay at home area must not be open to members of the public:

- amusement centres
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses
- betting agencies
- markets that do not predominantly sell food
- gaming lounges
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property operated by the National Trust or the Historic Houses Trust
- sex services premises
- sex on premises venues
- strip clubs

(ii) Premises that must not be open except in limited circumstances

The following premises in a stay at home area must not be open to members of the public except as provided:

- entertainment facilities
- food and drink premises, other than cafeterias in workplaces
- information and education facilities

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- micro-breweries or small distilleries holding a drink on premises authorization under the Liquor Act 2007 or cellar door premises
- places of public worship
- pubs, clubs and casinos
- recreation facilities (indoor)

These premises may be open:

- to sell food or beverages off premises or in a shopping centre outside the shopping centre
- if the premises are part of hotel or motel accommodation to provide accommodation including providing food and beverages to guests to consume in their rooms
- to hold a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- to provide educational services or childcare

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

(iii) Retail premises

All retail premises in a stay at home area must be closed to the public except:

- chemists and pharmacies
- garden centres and plant nurseries
- hardware and building supplies
- kiosks
- landscaping material supplies
- rural supplies
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies

- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retails premises can still provide “click and collect” and home delivery services.

(iv) Caravan parks and camping grounds

Caravan parks or camping grounds must not be open to the public in the stay at home area except to:

- provide accommodation to the following:
 - permanent residents of the premises,
 - overnight travelers,
 - persons working in the local area,
 - persons who have no permanent place of residence, and
- allow persons to visit a person who is staying in accommodation on the premises

A person can stay in accommodation if the person –

- was staying at the premises before the relevant date (the date the area was included as a stay at home area), and
- is still staying there under a booking made before the relevant date that has not been extended after that date.

(v) Exceptions

Nothing prevents premises in a stay at home area to be open:

- 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 people, or
- as an early education and care facility.

(C) Maximum number of persons permitted on premises

(i) Generally

The occupier of premises in a stay at home area (including an operator of a vehicle or vessel) must not allow more persons than the number allowed by the 4 sqm rule on the premises.

This does not apply to:

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- a place of residence, holiday home or short-term rental
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

(ii) Holiday home or short-term rental

The occupier of premises in a stay at home area must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence for the purposes of this Order.

(iii) Place of residence

Each member of the household who is an adult must not allow a person to visit the household unless the person is an authorised visitor. A person must not visit a home in a stay at home area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes –

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

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- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives in the stay at home area but not an area of concern.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in a stay at home area to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in a stay at home area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time, or
- it is carried out in an indoor area of a home, and the work is not necessary, no more than 2 workers are in an indoor area of the place of residence at any 1 time, and no person, other than another worker, is in the same room as the worker

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

Vehicles (car pooling)

A person must not be in a vehicle in a stay at home area with another person other someone from their household or the person's nominated visitor.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request.

This does **not apply to** a vehicle being used to engage in work (such as police cars), for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

(D) Outdoor public gatherings

A person must not participate in an outdoor public gathering in a stay at home area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons carrying out work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

(E) Fitted face coverings

A person over the age of 12 years in a stay at home area must carry a fitted face covering unless the person is at their place of residence.

A person over the age of 12 years in a stay at home area must wear a fitted face covering (over both the nose and mouth) at all times while in settings that also apply to the general area – refer to *fitted face coverings* in the **general area**.

In addition, from 23 August 2021 a person in a stay at home area must wear a fitted face covering:

- in an indoor or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service.

The operator of a hospitality venue in a stay at home area must ensure all persons working at the venue comply with these rules.

The same exceptions that apply to the wearing of face coverings in the general area apply to a stay at home area. In addition, a person is allowed to remove their face covering in a stay at home area if they are engaging in physical exercise.

(F) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in a stay at home area to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in a stay at home area must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in an education establishment, or
- the persons are singing for the purpose of instruction in singing.

(iii) Property inspections

A person must not conduct an open inspection of premises in a stay at home area for the purposes of the sale or lease of the premises in a stay at home area where people attend in person.

This does not prevent a person carrying out an inspection of premises if—

- the person has made an appointment to carry out the inspection, and
- no more than 1 person inspects the premises at any 1 time.

(iv) Auctions

A person must not conduct an auction at premises in a stay at home area at which persons attend in persons.

An auction for food supply, or livestock, fibre or crops is exempt from this direction and can continue to be open to the public for this purpose.

Directions applying to areas of concern

(A) Staying at home

A person whose place of residence is in an area of concern must not, without reasonable excuse be away from the person's home, or be away from the temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in an area of concern area during the previous 14 days.

Curfew from 23 August 2021: A person in an area of concern is not able to be away from their home between the hours of 9pm on a day and 5am on the following day other than for the purposes of work, arranging childcare, medical reasons or donating blood, providing care to others, emergencies, animal welfare and legal obligations as outlined below.

From 23 August 2021, if requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for an area of concern outside curfew are:

- Work if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together. In some circumstances such as an anniversary of the death or a child or close family member, a visit to a grave will be permitted. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare

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- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect a new home
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- obtaining goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - the goods and services must be obtained within 5km from the person's home or temporary accommodation. If they are not reasonably available in the 5km radius, they must be obtained from another place in the area of concern, or if they are not reasonably available in the area of concern, from the closest place to the home that they are reasonably available (for an area of concern in Greater Sydney this must be in Greater Sydney).
 - A person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.
 - Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- Exercising, allowing a child who is 12 years or younger to play, supervising a child who is 12 years or younger who has left the residence to play no further than 5km from the person's place of residence
 - for a person 16 years or over who is exercising or taking a child to play or supervising a child playing must carry evidence of their name and address or temporary accommodation and produce it to police if requested
- From 23 August 2021, a person must not be away from a person's home for more than one hour a day for exercise or supervision of a child's play
- attending a small funeral or memorial service or gathering afterwards in the area of concern, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the area of concern it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend.

(B) Leaving an area of concern for work

A person who lives in an area of concern must not leave the area of concern for the purposes of work unless the person is an authorised worker. The list of authorised workers can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>

From 28 August 2021, an authorised worker must not leave the area of concern for work without a permit issued by Service NSW. An authorised worker does not need a permit to provide an emergency service.

From 30 August 2021, an authorised worker must not leave the area of concern for work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contraindication certificate. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

When leaving the area of concern for work the authorised worker must carry and produce evidence of the worker's name, address and vaccination for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

This does not apply to a person who is tested as part of a COVID-19 rapid antigen testing program or a person who has not been in the area of concern in the last 14 days.

(C) Entering an area of concern for work

From 28 August 2021, a person must not enter an area of concern to carry out work in the area of concern without a permit issued by Service NSW. A person does not require a permit to provide an emergency service.

(D) Closure of premises

(i) Premises that must not be open

Premises in an area of concern that must not be open to members of the public are the same as those that apply to premises in a stay at home area. Refer above.

(ii) Premises that must not be open except in limited circumstances

Premises in an area of concern that must not be open to members of the public except in limited circumstances are the same as those that apply to premises in a stay at home area. Refer above.

(iii) Retail premises

All retail premises in an area of concern must be closed to the public except:

- chemists and pharmacies
- kiosks
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- vehicle hire premises (but not premises where vehicles are sold)
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide "click and collect" and home delivery services.

The following premises must not be open to members of the public, but may be open to trade or business customers:

- Garden centres and plant nurseries
- Hardware and building supplies
- Landscaping material supplies
- Rural supplies
- Timber yards.

(iv) Caravan parks and camping grounds

Rules around caravan parks or camping grounds in an area of concern are the same as those caravan parks or camping grounds in a stay at home area. Refer above.

(v) Exceptions

Exceptions that apply to premises in stay at home area also apply to premises in an area of concern. Refer above.

(E) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises in an area of concern (including an operator of a vehicle or vessel) is subject to the same capacity restrictions as those premises in a stay at home area. Refer above.

(ii) Holiday home or short-term rental

The occupier of premises in an area of concern must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

(iii) Place of residence

If the place of residence of a household is in an area of concern, each member of the household who is an adult must not allow a person to visit the place of residence unless the person is an authorised visitor. A person must not visit a place of residence in an area of concern area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes -

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and

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- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives within 5 km of the person.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in an area of concern to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in an area of concern area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time.

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

(vi) Vehicles (car pooling)

A person in a vehicle in an area of concern is subject to the same limitations and requirements as a person in a vehicle in a stay at home area – refer above.

(vii) Construction sites

An occupier of a construction site in an area of concern is subject to the same requirements and obligations as an occupier of a construction site in a stay at home area.

(F) Outdoor public gatherings

A person in an area of concern must not participate in an outdoor public gathering of more than **2 persons** just like in a stay at home area.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

(G) Fitted face coverings

A person over the age of 12 years in an area of concern must carry a fitted face covering unless the person is at their place of residence, just like in a stay at home area.

A person over the age of 12 years in an area of concern must wear a fitted face covering over the nose and mouth while the person is –

- in an indoor area or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service

The same exceptions that apply to the wearing of face coverings in a general area apply to areas of concern – refer above.

(H) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in an area of concern to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in an area of concern is subject to the same restrictions on singing indoors as an occupier of non-residential premises in a stay at home area. Refer above.

(iii) Property inspections and auctions

Property inspections in an area of concern are subject to the same restrictions as those in a stay at home area. Refer above.

(iv) Educational institutions

From 23 August 2021, classes, lectures, exams or other teaching or assessment sessions must not be conducted at an educational institution in an area of concern if students attend in person. This does not apply to a school or to an educational institution operated by NSW Health.

(v) Vaccinations – early education and care and disability support

From 30 August 2021, a relevant care worker (certain workers in early education and care facilities and providing a disability service) must not enter or remain in the worker's place of work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contradiction certificate. The relevant care worker must, when entering the worker's place of work, carry and produce for inspection evidence of the person's name, address and vaccination if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Additional directions for Greater Sydney

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

(A) Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney

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- Work if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together
- Family contact arrangements
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect a new home
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care

Taking a holiday is NOT a reasonable excuse.

(B) Leaving Greater Sydney

(i) Testing of workers leaving Greater Sydney

A person who resides in Greater Sydney must not enter premises that are more than 50km outside of Greater Sydney for the purposes of work unless the person –

- has been tested for COVID-19 in the previous 7 days, and
- carries evidence of the test, and
- carries evidence showing the address of the person's place of residence.

For non-residential premises, the occupier must not allow the person to enter or remain on the premises unless the person satisfies the occupier that the person has been tested for COVID-19 within the previous 7 days.

The person must produce the evidence of the test for inspection by the occupier or the person's employer on request.

The person 16 years and older must, if requested to do so by a police officer, produce evidence of the test and evidence showing the person's address.

Exemption: an emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties (e.g. attending a urgent callout while on shift).

(ii) Permits for persons leaving Greater Sydney

A person who resides in Greater Sydney who:

- is moving either temporarily or permanently to a place of residence outside Greater Sydney, or
- goes more than 50km from Greater Sydney to carry out work, or
- is leaving Greater Sydney to inspect residential property

must not leave Greater Sydney without a permit issued by Service NSW.

The person must comply with the conditions included in the permit and must carry the permit and produce the permit for inspection if requested do so by a police officer.

A person does not need a permit to provide emergency services. Until 3:00pm on 25 August 2021, NSW Health staff, a person providing services to a local health district or a statutory health corporation, a staff member licensed under the Private Health Facilities Act 2007, a medical practitioner providing GP locum services and a member of the ADF are also exempt.

(iii) Leaving Sydney to move between homes or to inspect property

A person who resides in Greater Sydney must not leave Greater Sydney:

- to move between places of residence of the person unless the movement:
 - is for the person's work and only the person moves to the other place of residence, or
 - is for urgent maintenance or repairs or animal welfare and only 1 person moves to the other place of residence, or
- to inspect residential property unless:
 - the person has a genuine intention to reside outside Greater Sydney as soon as practicable, and
 - the person inspects the property as a potential place of residence for the person.

(iv) Carrying evidence of name and address when leaving Greater Sydney

A person who is 16 years and older who resides in Greater Sydney and who is outside Greater Sydney must:

- carry evidence showing the address of the person's name and place of residence, and
- produce the evidence for inspection if requested to do so by a police officer.

(C) Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site's current resourcing plan (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist.

(i) Vaccination required to work on construction sites in Greater Sydney

A person whose place of residence or temporary accommodation is in an area of concern must not enter or remain on a construction site in Greater Sydney unless the person:

- has had 2 doses of a COVID-19 vaccine, or
- has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- has had 1 dose of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- has a medical contraindication certificate issued to them and has been tested for COVID-19 in the 72 hours before being on site. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person's employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The 'required evidence' includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Other directions applying to all areas

(D) Answering questions from contact tracers and providing other information

A person must, if requested by an authorised contact tracer:

- answer questions or provide other information about the person's movement, and
- provide the person's contact details.

A person must provide true and accurate evidence or information to a contact tracer.

A person must also provide true and accurate evidence and information in response to a request under the order or to Service NSW.

(E) Responses to police requests about who is in COVID-19 risk premises

A '**COVID-19 risk premises**' is a residence or place at which a person diagnosed with COVID-19 or a close contact is residing.

From 23 August 2021, a person who is residing or present at a COVID-19 risk premises must respond to any request made by a police officer for information about who is residing or present at the premises.

If a police officer knocks at a door of a COVID-19 risk premises, a resident is required to open the door and comply with the request of the officer. A request for information by the officer may include a request to provide the name and contact details of persons residing or present at the premises, whether at the time of the request or generally.

(F) Travelling through State

This Order does not apply to a person merely because the person:

- travels through the State in a vehicle if the person does not leave the vehicle while in the State, or

- enters the State by road and then travels through the State by the most practicable direct route, or
- enters the State by air and does not leave the airport while in the State, or
- enters the State by vessel or aircraft and then travels directly from the port or airport at which the persons arrived to leave the State by the most practicable direct route, or
- enters the State to travel to a port or airport to leave the State and then travels to the port or airport by the most practicable direct route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Schedule A: Exempted gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine or of the commercial vessel
- 11 Gathering at a school, university or other educational institution or childcare 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 St 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

Schedule B: COVID-19 safe outdoor gatherings and controlled outdoor public gatherings

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

A **COVID-19 safe outdoor gathering** is a gathering where the organiser:

- has and complies with the appropriate COVID-19 Safety Plan, and
- keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.

The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:

- the number permitted by the 4 sqm rule for the premises, or
- 5,000 persons.

These rules do not apply to:

- a gathering for which a COVID-19 Safety Plan is required (see table below)
- an exempted gathering listed in Annexure A of this Fact Sheet,
- a gathering to provide emergency assistance to a person or persons,
- an agricultural show or agricultural field day,
- a controlled outdoor public gathering.

A **controlled outdoor public gathering** is:

- held in an area that is enclosed or bounded by fencing or another form of barrier, and requires a ticket to enter, and
- all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.

The restrictions on controlled outdoor public gatherings do not apply to:

- a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
- a gathering listed in **Schedule A** (exempted gatherings)

The organiser of a controlled public gathering must:

- ensure the above requirements are met
- have and comply with the appropriate COVID-19 Safety Plan, and
- keep a copy of the COVID-19 Safety Plan and make it available for inspection.

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No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities
22	Markets

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23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Notes on police powers

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

Powers generally

- Unless otherwise provided for in this Order, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPPRA. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPPRA, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPPRA allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPPRA if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

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TOPIC	PENALTY NOTICE	OFFENCE CODE	REG CODE	PENALTY AMOUNT
FACE COVERINGS - CHILDREN	15 years old or younger not wear/carry fitted face covering	97105	Reg Code HZZ	\$40
*Remember a child under 12 can not be infringed for face covering offences as they are exempt.	16 or 17 years old not wear/carry fitted face covering	97104	Reg Code PUW	\$80
FACE COVERINGS - ADULT	Not wear fitted face covering in retail/business premises	96587	Reg Code YLL	\$500
	Not wear fitted face covering in licensed gaming area	96588	Reg Code EIJ	\$500
	Not wear fitted face covering in entertainment facility	96589	Reg Code QLU	\$500
	Not wear fitted face covering in place of public worship etc	96590	Reg Code CRL	\$500
	Not wear fitted face covering residential aged care facility	96591	Reg Code OXS	\$500
	Not wear fitted face covering public transport waiting area	96592	Reg Code FIQ	\$500
	Not wear fitted face covering in public transport/taxi etc	96593	Reg Code XFT	\$500
	Not wear fitted face covering - hospitality venue worker	96594	Reg Code SBR	\$500
	Operator not ensure hospitality workers wear fitted face coverings - individual	96595	Reg Code WAN	\$1,000
>> Corporation Only >>	Operator not ensure hospitality workers wear fitted face coverings - corporation	896595	Reg Code EJO	\$5,000
	Not wear face covering in indoor area of non-residential premises	96953	Reg Code OPI	\$500
	Not wear fitted face covering in prescribed outdoor gathering	96954	Reg Code HSY	\$500
	Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001	Reg Code MME	\$500
	Fail to comply with any other wear face covering directive – individual	96960	Reg Code GYJ	\$500
Outdoor Gatherings	Not comply with outdoor public gatherings direction (stay at home area)	97721	Reg Code VKB	\$3,000

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	Not comply with outdoor public gatherings direction (area of concern)	97722	Reg Code BFO	\$3,000
Contact Tracer and Service NSW Requirements	Fail to answer questions from contact tracers and provide details as prescribed	97723	Reg Code XAM	\$5,000
	Not ensure true and accurate information provided to authorised contact tracer	97725	Reg Code AQN	\$5,000
	Not ensure true and accurate information provided to Service NSW	97724	Reg Code CCU	\$5,000
Working from Home	Employer fail to require employee to work from home (stay at home area) – Individual	97711	Reg Code TTA	\$2,000
	Employer fail to require employee to work from home (area of concern) – Individual	97712	Reg Code HSU	\$2,000
>> Corporation Only >>	Employer fail to require employee to work from home (stay at home area) – Corporation	897711	Reg Code KKV	\$10,000
>> Corporation Only >>	Employer fail to require employee to work from home (area of concern) – Corporation	897712	Reg Code IXQ	\$10,000
Construction Sites	Enter/remain on construction site not vaccinated/tested as prescribed – individual	97246	Reg Code EUG	\$2,000
>> Corporation Only >>	Enter/remain on construction site not vaccinated/tested as prescribed – corporation	897246	Reg Code TFF	\$10,000
	Occupier of construction site permit unlawful entry etc – individual	97248	Reg Code PXP	\$2,000
>> Corporation Only >>	Occupier of construction site permit unlawful entry etc – corporation	897248	Reg Code TKY	\$10,000
	Enter/remain on construction site not have/produce prescribed evidence – individual	97247	Reg Code XXT	\$2,000
>> Corporation Only >>	Enter/remain on construction site not have/produce prescribed evidence – corporation	897247	Reg Code FZH	\$10,000
Testing Workers	Not comply with requirements for testing workers leaving Greater Sydney	97715	Reg Code CKZ	\$3,000
Leave Greater Sydney	Leave Greater Sydney for prescribed purposes without permit	97716	Reg Code KAA	\$3,000

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	Leave Greater Sydney to unlawfully move between homes or inspect property	97717	Reg Code LFJ	\$3,000
	Person 16 years and over not carry identification evidence outside Greater Sydney	97718	Reg Code FFW	\$3,000
	Person 16 years and over not carry permit outside Greater Sydney	97719	Reg Code PJO	\$3,000
	Person relying on permit not comply with permit conditions	97720	Reg Code HUK	\$3,000
Any Other Breach Not Listed	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order by an Individual)	95638	Reg Code ZZE	\$1,000
>> Corporation Only >>	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – CORPORATION (this is the offence for any other breach of this Order by a Corporation)	895638	Reg Code YUW	\$5,000
COURT ATTENDANCE NOTICE	LAW PART CODE	PENALTY		
15 years old or younger not wear/carry fitted face covering	97105	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues		
16 or 17 years old not wear/carry fitted face covering	97104			

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Not wear fitted face covering in retail/business premises	96587		
Not wear fitted face covering in licensed gaming area	96588		
Not wear fitted face covering in entertainment facility	96589		
Not wear fitted face covering in place of public worship etc	96590		
Not wear fitted face covering residential aged care facility	96591		
Not wear fitted face covering public transport waiting area	96592		
Not wear fitted face covering in public transport/taxi etc	96593		
Not wear fitted face covering - hospitality venue worker	96594		
Operator not ensure hospitality workers wear fitted face coverings - individual or corporation	96595		
Not wear face covering in indoor area of non-residential premises	96953		
Not wear fitted face covering in prescribed outdoor gathering	96954		
Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001		
Fail to comply with any other wear face covering directive – individual or corporation	96960		

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Not comply with outdoor public gatherings direction (stay at home area)	97721		
Not comply with outdoor public gatherings direction (area of concern)	97722		
Fail to answer questions from contact tracers and provide details as prescribed	97723		
Not ensure true and accurate information provided to authorized contact tracer	97725		
Not ensure true and accurate information provided to Service NSW	97724		
Employer fail to require employee to work from home (stay at home area) – individual or corporation	97711		
Employer fail to require employee to work from home (area of concern) – individual or corporation	97712		
Enter/remain on construction site not vaccinated/tested as prescribed – individual or corporation	97246		
Enter/remain on construction site not have/produce prescribed evidence – individual or corporation	97247		
Occupier of construction site permit unlawful entry etc – individual or corporation	97248		

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Not comply with requirements testing workers leaving Greater Sydney	97715		
Leave Greater Sydney for prescribed purposes without permit	97716		
Leave Greater Sydney to unlawfully move between homes or inspect property	97717		
Person 16 years and over not carry identification evidence outside Greater Sydney	97718		
Person 16 years and over not carry permit outside Greater Sydney	97719		
Person relying on permit not comply with permit conditions	97720		
95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual or corporation	95638		

Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021

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Additional Restrictions for Delta Outbreak

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021 commenced 21 August 2021.

Restrictions applicable to an area in NSW is based on the LEVEL of Risk that applies to that area. There are 3 areas: **The general area**, the **stay at home area** and the **area of concern**.

General area: the whole of the State is in the general area other than an area that is a stay at home area or an area of concern

Stay at home area: Greater Sydney other than a part of Greater Sydney listed as an area of concern; Regional NSW other than a part of the regional NSW area that is an area of concern

Areas of concern: LGAs of Bayside, City of Blacktown, Burwood, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool, City of Parramatta, Strathfield, and the following suburbs within the City of Penrith (Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys)

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

Directions applying to **the general area**

(A) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises (including an operator of a vehicle or vessel) in the general area must not allow more than the greater of 25 persons or the 4 sqm rule on the premises.

This **does not apply to:**

- a place of residence, holiday home or short-term rental
- an entertainment facility
- a recreation facility (major)
- a group class at a gym or a group dance class at a recreation facility (indoor)
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel

- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person and the number of persons on the premises, the following are not included:

- any person engaged in work for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

(ii) Holiday home or short-term rental

An occupier of premises in the general area must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commits an offence if there are more than 5 persons present.

(iii) Place of residence

Each adult member of a household in the general area must not allow more than **5 visitors** at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to contact arrangements between a parent and child or between children who are siblings who do not live in the same household
- there because of an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- inspecting the place of residence for sale or lease or participating in an auction of the place of residence

- at the place of residence to attend a funeral, memorial or wedding service or gathering afterwards.

(iv) Entertainment facility or recreation facility (major)

The occupier of an **entertainment facility** in the general area must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** in the general area must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule of unfixed seating OR the 4sqm rule in the facility.

If an entertainment facility relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats. This is also the case for a recreation facility (major) that relies on the total of 50% of the fixed seating capacity plus the 4sqm rule calculation.

(v) Gymnasium and recreation facility (indoor)

The occupier of a gymnasium in the general area must not allow more than 20 persons to attend a group class at the gymnasium.

The occupier of a recreation facility (indoor) in the general area must not allow more than 20 persons to attend a group dance class at the facility.

(B) Fitted face coverings

A person over 12 years old in the general area must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (see **Schedule B** for information on these types of gatherings)
- working at a hospitality venue and dealing directly with members of the public.

The operator of a hospitality venue in the general area must ensure all persons working at the venue comply with this requirement.

There are a number of **exemptions** to these face covering rules:

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- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. A person must carry and provide a police officer for inspection on request:
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working if the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or enunciation and visibility of the person's mouth is essential or the work is in an indoor area and no other person is present or the work is at a school
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- in a vehicle where no other person is in the vehicle except a member of the person's household or the person's nominated visitor
- in a hotel, motel or other accommodation as a guest and the person is in their room
- the person is a student at a school
- the person is in a public hospital or private health facility as a patient
- a resident in a residential aged care facility
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in the process of getting married

(C) Miscellaneous

(i) Working from home

An employer must allow an employee whose place of residence is in the general area to work at the employee's place of residence if it is reasonably practicable to do so.

(ii) Singing indoors

The occupier of premises in a general area must not allow a person to sing in an indoor area. This does **not** apply to –

- a place of residence

- an educational establishment
- a performer who is performing or rehearsing
- a person who is engaged in instruction in singing

(iii) Dancing indoors at a hospitality venue or nightclub

The occupier of premises in the general area that is a hospitality venue or a nightclub must not allow a person to dance in an indoor area. This does **not** apply to dancing at a wedding if:

- the persons dancing are members of the wedding party, and
- no more than 20 persons dance at any one time.

(iv) Consuming alcohol while seated only

The occupier of premises in the general area must not allow a person to consume alcohol in an indoor area unless the person is seated. This does **not** apply to a place of residence.

Directions applying to **stay at home areas**

(A) Staying at home

A person who has been in a stay at home area at any time while the area was identified as a stay at home area must not, without reasonable excuse be away from the person's home wherever located, or temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in a stay at home area during the previous 14 days.

From 23 August 2021, if requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for a stay at home area are to/for:

- Work if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood

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- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together. In some circumstances such as an anniversary of the death of a child or close family member, a visit to a grave will be permitted. Such a visit must be short in duration and the limit on outdoor public gatherings complied with
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect a new home
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtain food, goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA or no further than 5km from the person's home or temporary accommodation and not in an area of concern
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request
 - only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted
- Exercise or outdoor recreation if:
 - undertaken within the person's LGA or in another LGA no further than 5km from the person's home or temporary accommodation
 - for a person 16 years and over, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people.

- Attending a small funeral or memorial service or gathering afterwards in the stay at home area, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the stay at home area it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend.

Taking a holiday is NOT a reasonable excuse

Note: Coastal waters are part of the closest LGA.

(B) Closure of premises

(i) Premises that must not be open

The following premises in a stay at home area must not be open to members of the public:

- amusement centres
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses
- betting agencies
- markets that do not predominantly sell food
- gaming lounges
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property operated by the National Trust or the Historic Houses Trust
- sex services premises
- sex on premises venues
- strip clubs

(ii) Premises that must not be open except in limited circumstances

The following premises in a stay at home area must not be open to members of the public except as provided:

- entertainment facilities
- food and drink premises, other than cafeterias in workplaces
- information and education facilities

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- micro-breweries or small distilleries holding a drink on premises authorization under the Liquor Act 2007 or cellar door premises
- places of public worship
- pubs, clubs and casinos
- recreation facilities (indoor)

These premises may be open:

- to sell food or beverages off premises or in a shopping centre outside the shopping centre
- if the premises are part of hotel or motel accommodation to provide accommodation including providing food and beverages to guests to consume in their rooms
- to hold a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- to provide educational services or childcare

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

(iii) Retail premises

All retail premises in a stay at home area must be closed to the public except:

- chemists and pharmacies
- garden centres and plant nurseries
- hardware and building supplies
- kiosks
- landscaping material supplies
- rural supplies
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies

- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retails premises can still provide “click and collect” and home delivery services.

(iv) Caravan parks and camping grounds

Caravan parks or camping grounds must not be open to the public in the stay at home area except to:

- provide accommodation to the following:
 - permanent residents of the premises,
 - overnight travelers,
 - persons working in the local area,
 - persons who have no permanent place of residence, and
- allow persons to visit a person who is staying in accommodation on the premises

A person can stay in accommodation if the person –

- was staying at the premises before the relevant date (the date the area was included as a stay at home area), and
- is still staying there under a booking made before the relevant date that has not been extended after that date.

(v) Exceptions

Nothing prevents premises in a stay at home area to be open:

- 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 people, or
- as an early education and care facility.

(C) Maximum number of persons permitted on premises

(i) Generally

The occupier of premises in a stay at home area (including an operator of a vehicle or vessel) must not allow more persons than the number allowed by the 4 sqm rule on the premises.

This does not apply to:

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- a place of residence, holiday home or short-term rental
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

(ii) Holiday home or short-term rental

The occupier of premises in a stay at home area must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence for the purposes of this Order.

(iii) Place of residence

Each member of the household who is an adult must not allow a person to visit the household unless the person is an authorised visitor. A person must not visit a home in a stay at home area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes –

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

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- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives in the stay at home area but not an area of concern.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in a stay at home area to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in a stay at home area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time, or
- it is carried out in an indoor area of a home, and the work is not necessary, no more than 2 workers are in an indoor area of the place of residence at any 1 time, and no person, other than another worker, is in the same room as the worker

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

Vehicles (car pooling)

A person must not be in a vehicle in a stay at home area with another person other than someone from their household or the person's nominated visitor.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request.

None of the above car pooling restrictions apply to a vehicle being used to engage in work (such as police cars), for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

(D) Outdoor public gatherings

A person must not participate in an outdoor public gathering in a stay at home area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons carrying out work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

(E) Fitted face coverings

A person over the age of 12 years in a stay at home area must carry a fitted face covering unless the person is at their place of residence.

A person over the age of 12 years in a stay at home area must wear a fitted face covering (over both the nose and mouth) at all times while in settings that also apply to the general area – refer to *fitted face coverings* in the **general area**.

In addition, from 23 August 2021 a person in a stay at home area must wear a fitted face covering:

- in an indoor or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or

- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service.

The operator of a hospitality venue in a stay at home area must ensure all persons working at the venue comply with these rules.

The same exceptions that apply to the wearing of face coverings in the general area apply to a stay at home area. In addition, a person is allowed to remove their face covering in a stay at home area if they are engaging in physical exercise.

(F) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in a stay at home area to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in a stay at home area must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in an education establishment, or
- the persons are singing for the purpose of instruction in singing.

(iii) Property inspections

A person must not conduct an open inspection of premises in a stay at home area for the purposes of the sale or lease of the premises in a stay at home area where people attend in person.

This does not prevent a person carrying out an inspection of premises if—

- the person has made an appointment to carry out the inspection, and
- no more than 1 person inspects the premises at any 1 time.

(iv) Auctions

A person must not conduct an auction at premises in a stay at home area at which persons attend in persons.

An auction for food supply, or livestock, fibre or crops is exempt from this direction and can continue to be open to the public for this purpose.

Directions applying to areas of concern

(A) Staying at home

A person whose place of residence is in an area of concern must not, without reasonable excuse be away from the person's home, or be away from the temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in an area of concern area during the previous 14 days.

Curfew from 23 August 2021: A person in an area of concern is not able to be away from their home between the hours of 9pm on a day and 5am on the following day other than for the purposes of work, arranging childcare, medical reasons or donating blood, providing care to others, emergencies, animal welfare and legal obligations as outlined below.

From 23 August 2021, if requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for an area of concern outside curfew are:

- Work if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together. In some circumstances such as an anniversary of the death or a child or close family member, a visit to a grave will be permitted. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare

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- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect a new home
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- obtaining goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - the goods and services must be obtained within 5km from the person's home or temporary accommodation. If they are not reasonably available in the 5km radius, they must be obtained from another place in the area of concern, or if they are not reasonably available in the area of concern, from the closest place to the home that they are reasonably available (for an area of concern in Greater Sydney this must be in Greater Sydney).
 - A person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.
 - Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- Exercising, allowing a child who is 12 years or younger to play, supervising a child who is 12 years or younger who has left the residence to play no further than 5km from the person's place of residence
 - for a person 16 years or over who is exercising or taking a child to play or supervising a child playing must carry evidence of their name and address or temporary accommodation and produce it to police if requested
- From 23 August 2021, a person must not be away from a person's home for more than one hour a day for exercise or supervision of a child's play
- attending a small funeral or memorial service or gathering afterwards in the area of concern, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the area of concern it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend.

(B) Leaving an area of concern for work

A person who lives in an area of concern must not leave the area of concern for the purposes of work unless the person is an authorised worker. The list of authorised workers can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>

From 28 August 2021, an authorised worker must not leave the area of concern for work without a permit issued by Service NSW. An authorised worker does not need a permit to provide an emergency service.

From 30 August 2021, an authorised worker must not leave the area of concern for work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contraindication certificate. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

When leaving the area of concern for work the authorised worker must carry and produce evidence of the worker's name, address and vaccination for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

This does not apply to a person who is tested as part of a COVID-19 rapid antigen testing program or a person who has not been in the area of concern in the last 14 days.

(C) Entering an area of concern for work

From 28 August 2021, a person must not enter an area of concern to carry out work in the area of concern without a permit issued by Service NSW. A person does not require a permit to provide an emergency service.

(D) Closure of premises

(i) Premises that must not be open

Premises in an area of concern that must not be open to members of the public are the same as those that apply to premises in a stay at home area. Refer above.

(ii) Premises that must not be open except in limited circumstances

Premises in an area of concern that must not be open to members of the public except in limited circumstances are the same as those that apply to premises in a stay at home area. Refer above.

(iii) Retail premises

All retail premises in an area of concern must be closed to the public except:

- chemists and pharmacies
- kiosks
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- vehicle hire premises (but not premises where vehicles are sold)
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide "click and collect" and home delivery services.

The following premises must not be open to members of the public, but may be open to trade or business customers:

- Garden centres and plant nurseries
- Hardware and building supplies
- Landscaping material supplies
- Rural supplies
- Timber yards.

(iv) Caravan parks and camping grounds

Rules around caravan parks or camping grounds in an area of concern are the same as those caravan parks or camping grounds in a stay at home area. Refer above.

(v) Exceptions

Exceptions that apply to premises in stay at home area also apply to premises in an area of concern. Refer above.

(E) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises in an area of concern (including an operator of a vehicle or vessel) is subject to the same capacity restrictions as those premises in a stay at home area. Refer above.

(ii) Holiday home or short-term rental

The occupier of premises in an area of concern must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

(iii) Place of residence

If the place of residence of a household is in an area of concern, each member of the household who is an adult must not allow a person to visit the place of residence unless the person is an authorised visitor. A person must not visit a place of residence in an area of concern area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes -

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and

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- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives within 5 km of the person.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in an area of concern to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in an area of concern area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time.

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

(vi) Vehicles (car pooling)

A person in a vehicle in an area of concern is subject to the same limitations and requirements as a person in a vehicle in a stay at home area – refer above.

(vii) Construction sites

An occupier of a construction site in an area of concern is subject to the same requirements and obligations as an occupier of a construction site in a stay at home area.

(F) Outdoor public gatherings

A person in an area of concern must not participate in an outdoor public gathering of more than **2 persons** just like in a stay at home area.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

(G) Fitted face coverings

A person over the age of 12 years in an area of concern must carry a fitted face covering unless the person is at their place of residence, just like in a stay at home area.

A person over the age of 12 years in an area of concern must wear a fitted face covering over the nose and mouth while the person is –

- in an indoor area or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service

The same exceptions that apply to the wearing of face coverings in a general area apply to areas of concern – refer above.

(H) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in an area of concern to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in an area of concern is subject to the same restrictions on singing indoors as an occupier of non-residential premises in a stay at home area. Refer above.

(iii) Property inspections and auctions

Property inspections in an area of concern are subject to the same restrictions as those in a stay at home area. Refer above.

(iv) Educational institutions

From 23 August 2021, classes, lectures, exams or other teaching or assessment sessions must not be conducted at an educational institution in an area of concern if students attend in person. This does not apply to a school or to an educational institution operated by NSW Health.

(v) Vaccinations – early education and care and disability support

From 30 August 2021, a relevant care worker (certain workers in early education and care facilities and providing a disability service) must not enter or remain in the worker's place of work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contradiction certificate. The relevant care worker must, when entering the worker's place of work, carry and produce for inspection evidence of the person's name, address and vaccination if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Additional directions for Greater Sydney

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

(A) Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney

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- Work if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together
- Family contact arrangements
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect a new home
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care

Taking a holiday is NOT a reasonable excuse.

(B) Leaving Greater Sydney

(i) Testing of workers leaving Greater Sydney

A person who resides in Greater Sydney must not enter premises that are more than 50km outside of Greater Sydney for the purposes of work unless the person –

- has been tested for COVID-19 in the previous 7 days, and
- carries evidence of the test, and
- carries evidence showing the address of the person's place of residence.

For non-residential premises, the occupier must not allow the person to enter or remain on the premises unless the person satisfies the occupier that the person has been tested for COVID-19 within the previous 7 days.

The person must produce the evidence of the test for inspection by the occupier or the person's employer on request.

The person 16 years and older must, if requested to do so by a police officer, produce evidence of the test and evidence showing the person's address.

Exemption: an emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties (e.g. attending a urgent callout while on shift).

(ii) Permits for persons leaving Greater Sydney

A person who resides in Greater Sydney who:

- is moving either temporarily or permanently to a place of residence outside Greater Sydney, or
- goes more than 50km from Greater Sydney to carry out work, or
- is leaving Greater Sydney to inspect residential property

must not leave Greater Sydney without a permit issued by Service NSW.

The person must comply with the conditions included in the permit and must carry the permit and produce the permit for inspection if requested do so by a police officer.

A person does not need a permit to provide emergency services. Until 3:00pm on 25 August 2021, NSW Health staff, a person providing services to a local health district or a statutory health corporation, a staff member licensed under the Private Health Facilities Act 2007, a medical practitioner providing GP locum services and a member of the ADF are also exempt.

(iii) Leaving Sydney to move between homes or to inspect property

A person who resides in Greater Sydney must not leave Greater Sydney:

- to move between places of residence of the person unless the movement:
 - is for the person's work and only the person moves to the other place of residence, or
 - is for urgent maintenance or repairs or animal welfare and only 1 person moves to the other place of residence, or
- to inspect residential property unless:
 - the person has a genuine intention to reside outside Greater Sydney as soon as practicable, and
 - the person inspects the property as a potential place of residence for the person.

(iv) Carrying evidence of name and address when leaving Greater Sydney

A person who is 16 years and older who resides in Greater Sydney and who is outside Greater Sydney must:

- carry evidence showing the address of the person's name and place of residence, and
- produce the evidence for inspection if requested to do so by a police officer.

(C) Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site's current resourcing plan (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist.

(i) Vaccination required to work on construction sites in Greater Sydney

A person whose place of residence or temporary accommodation is in an area of concern must not enter or remain on a construction site in Greater Sydney unless the person:

- has had 2 doses of a COVID-19 vaccine, or
- has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- has had 1 does of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- has a medical contraindication certificate issued to them and has been tested for COVID-19 in the 72 hours before being on site. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person's employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The 'required evidence' includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Other directions applying to all areas

(D) Answering questions from contact tracers and providing other information

A person must, if requested by an authorised contact tracer:

- answer questions or provide other information about the person's movement, and
- provide the person's contact details.

A person must provide true and accurate evidence or information to a contact tracer.

A person must also provide true and accurate evidence and information in response to a request under the order or to Service NSW.

(E) Responses to police requests about who is in COVID-19 risk premises

A '**COVID-19 risk premises**' is a residence or place at which a person diagnosed with COVID-19 or a close contact is residing.

From 23 August 2021, a person who is residing or present at a COVID-19 risk premises must respond to any request made by a police officer for information about who is residing or present at the premises.

If a police officer knocks at a door of a COVID-19 risk premises, a resident is required to open the door and comply with the request of the officer. A request for information by the officer may include a request to provide the name and contact details of persons residing or present at the premises, whether at the time of the request or generally.

(F) Travelling through State

This Order does not apply to a person merely because the person:

- travels through the State in a vehicle if the person does not leave the vehicle while in the State, or

- enters the State by road and then travels through the State by the most practicable direct route, or
- enters the State by air and does not leave the airport while in the State, or
- enters the State by vessel or aircraft and then travels directly from the port or airport at which the persons arrived to leave the State by the most practicable direct route, or
- enters the State to travel to a port or airport to leave the State and then travels to the port or airport by the most practicable direct route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Schedule A: Exempted gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine or of the commercial vessel
- 11 Gathering at a school, university or other educational institution or childcare 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 St 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

Schedule B: COVID-19 safe outdoor gatherings and controlled outdoor public gatherings

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

A **COVID-19 safe outdoor gathering** is a gathering where the organiser:

- has and complies with the appropriate COVID-19 Safety Plan, and
- keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.

The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:

- the number permitted by the 4 sqm rule for the premises, or
- 5,000 persons.

These rules do not apply to:

- a gathering for which a COVID-19 Safety Plan is required (see table below)
- an exempted gathering listed in Annexure A of this Fact Sheet,
- a gathering to provide emergency assistance to a person or persons,
- an agricultural show or agricultural field day,
- a controlled outdoor public gathering.

A **controlled outdoor public gathering** is:

- held in an area that is enclosed or bounded by fencing or another form of barrier, and requires a ticket to enter, and
- all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.

The restrictions on controlled outdoor public gatherings do not apply to:

- a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
- a gathering listed in **Schedule A** (exempted gatherings)

The organiser of a controlled public gathering must:

- ensure the above requirements are met
- have and comply with the appropriate COVID-19 Safety Plan, and
- keep a copy of the COVID-19 Safety Plan and make it available for inspection.

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No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities
22	Markets

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23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Notes on police powers

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

Powers generally

- Unless otherwise provided for in this Order, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPR. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPR, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPR allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPR if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

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TOPIC	PENALTY NOTICE	OFFENCE CODE	REG CODE	PENALTY AMOUNT
FACE COVERINGS - CHILDREN	15 years old or younger not wear/carry fitted face covering	97105	Reg Code HZZ	\$40
*Remember a child under 12 can not be infringed for face covering offences as they are exempt.	16 or 17 years old not wear/carry fitted face covering	97104	Reg Code PUW	\$80
FACE COVERINGS - ADULT	Not wear fitted face covering in retail/business premises	96587	Reg Code YLL	\$500
	Not wear fitted face covering in licensed gaming area	96588	Reg Code EIJ	\$500
	Not wear fitted face covering in entertainment facility	96589	Reg Code QLU	\$500
	Not wear fitted face covering in place of public worship etc	96590	Reg Code CRL	\$500
	Not wear fitted face covering residential aged care facility	96591	Reg Code OXS	\$500
	Not wear fitted face covering public transport waiting area	96592	Reg Code FIQ	\$500
	Not wear fitted face covering in public transport/taxi etc	96593	Reg Code XFT	\$500
	Not wear fitted face covering - hospitality venue worker	96594	Reg Code SBR	\$500
	Operator not ensure hospitality workers wear fitted face coverings - individual	96595	Reg Code WAN	\$1,000
>> Corporation Only >>	Operator not ensure hospitality workers wear fitted face coverings - corporation	896595	Reg Code EJO	\$5,000
	Not wear face covering in indoor area of non-residential premises	96953	Reg Code OPI	\$500
	Not wear fitted face covering in prescribed outdoor gathering	96954	Reg Code HSY	\$500
	Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001	Reg Code MME	\$500
	Fail to comply with any other wear face covering directive – individual	96960	Reg Code GYJ	\$500
Outdoor Gatherings	Not comply with outdoor public gatherings direction (stay at home area)	97721	Reg Code VKB	\$3,000
	Not comply with outdoor public gatherings direction (area of concern)	97722	Reg Code BFO	\$3,000

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Curfew (9pm-5am) Area of concern	Not comply with curfew – area of concern – individual	97729	Reg Code UGR	\$1,000
>> Corporation Only >>	Not comply with curfew – area of concern - corporation	897729	Reg Code NHU	\$5,000
Contact Tracer and Service NSW Requirements	Fail to answer questions from contact tracers and provide details as prescribed	97723	Reg Code XAM	\$5,000
	Not ensure true and accurate information provided to authorised contact tracer	97725	Reg Code AQN	\$5,000
	Not ensure true and accurate information provided to Service NSW	97724	Reg Code CCU	\$5,000
Working from Home	Employer fail to require employee to work from home (stay at home area) – Individual	97711	Reg Code TTA	\$2,000
	Employer fail to require employee to work from home (area of concern) – Individual	97712	Reg Code HSU	\$2,000
>> Corporation Only >>	Employer fail to require employee to work from home (stay at home area) – Corporation	897711	Reg Code KKV	\$10,000
>> Corporation Only >>	Employer fail to require employee to work from home (area of concern) – Corporation	897712	Reg Code IXQ	\$10,000
Construction Sites	Enter/remain on construction site not vaccinated/tested as prescribed – individual	97246	Reg Code EUG	\$2,000
>> Corporation Only >>	Enter/remain on construction site not vaccinated/tested as prescribed – corporation	897246	Reg Code TFF	\$10,000
	Occupier of construction site permit unlawful entry etc – individual	97248	Reg Code PXP	\$2,000
>> Corporation Only >>	Occupier of construction site permit unlawful entry etc – corporation	897248	Reg Code TKY	\$10,000
	Enter/remain on construction site not have/produce prescribed evidence – individual	97247	Reg Code XXT	\$2,000
>> Corporation Only >>	Enter/remain on construction site not have/produce prescribed evidence – corporation	897247	Reg Code FZH	\$10,000
Testing Workers	Not comply with requirements for testing workers leaving Greater Sydney	97715	Reg Code CKZ	\$3,000
Leave Greater Sydney	Leave Greater Sydney for prescribed purposes without permit	97716	Reg Code KAA	\$3,000

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	Leave Greater Sydney to unlawfully move between homes or inspect property	97717	Reg Code LFJ	\$3,000
	Person 16 years and over not carry identification evidence outside Greater Sydney	97718	Reg Code FFW	\$3,000
	Person 16 years and over not carry permit outside Greater Sydney	97719	Reg Code PJO	\$3,000
	Person relying on permit not comply with permit conditions	97720	Reg Code HUK	\$3,000
Any Other Breach Not Listed	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order by an Individual)	95638	Reg Code ZZE	\$1,000
>> Corporation Only >>	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – CORPORATION (this is the offence for any other breach of this Order by a Corporation)	895638	Reg Code YUW	\$5,000

COURT ATTENDANCE NOTICE	LAW PART CODE	PENALTY
15 years old or younger not wear/carry fitted face covering	97105	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues
16 or 17 years old not wear/carry fitted face covering	97104	Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
Not wear fitted face covering in retail/business premises	96587	

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Not wear fitted face covering in licensed gaming area	96588		
Not wear fitted face covering in entertainment facility	96589		
Not wear fitted face covering in place of public worship etc	96590		
Not wear fitted face covering residential aged care facility	96591		
Not wear fitted face covering public transport waiting area	96592		
Not wear fitted face covering in public transport/taxi etc	96593		
Not wear fitted face covering - hospitality venue worker	96594		
Operator not ensure hospitality workers wear fitted face coverings - individual or corporation	96595		
Not wear face covering in indoor area of non-residential premises	96953		
Not wear fitted face covering in prescribed outdoor gathering	96954		
Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001		
Fail to comply with any other wear face covering directive – individual or corporation	96960		
Not comply with outdoor public gatherings direction (stay at home area)	97721		
Not comply with outdoor public gatherings direction (area of concern)	97722		

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Not comply with curfew – area of concern – individual or corporation	97729		
Fail to answer questions from contact tracers and provide details as prescribed	97723		
Not ensure true and accurate information provided to authorized contact tracer	97725		
Not ensure true and accurate information provided to Service NSW	97724		
Employer fail to require employee to work from home (stay at home area) – individual or corporation	97711		
Employer fail to require employee to work from home (area of concern) – individual or corporation	97712		
Enter/remain on construction site not vaccinated/tested as prescribed – individual or corporation	97246		
Enter/remain on construction site not have/produce prescribed evidence – individual or corporation	97247		
Occupier of construction site permit unlawful entry etc – individual or corporation	97248		
Not comply with requirements testing workers leaving Greater Sydney	97715		
Leave Greater Sydney for prescribed purposes without permit	97716		

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Leave Greater Sydney to unlawfully move between homes or inspect property	97717		
Person 16 years and over not carry identification evidence outside Greater Sydney	97718		
Person 16 years and over not carry permit outside Greater Sydney	97719		
Person relying on permit not comply with permit conditions	97720		
95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual or corporation	95638		

Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021

FACT SHEET 36

Additional Restrictions for Delta Outbreak

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021 commenced 21 August 2021.

Restrictions applicable to an area in NSW is based on the LEVEL of Risk that applies to that area. There are 3 areas: **The general area**, the **stay at home area** and the **area of concern**.

General area: the whole of the State is in the general area other than an area that is a stay at home area or an area of concern

Stay at home area: Greater Sydney other than a part of Greater Sydney listed as an area of concern; Regional NSW other than a part of the regional NSW area that is an area of concern

Areas of concern: LGAs of Bayside, City of Blacktown, Burwood, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool, City of Parramatta, Strathfield, and the following suburbs within the City of Penrith (Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys)

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

Directions applying to **the general area**

(A) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises (including an operator of a vehicle or vessel) in the general area must not allow more than the greater of 25 persons or the 4 sqm rule on the premises.

This **does not apply to:**

- a place of residence, holiday home or short-term rental
- an entertainment facility
- a recreation facility (major)
- a group class at a gym or a group dance class at a recreation facility (indoor)
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel

- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person and the number of persons on the premises, the following are not included:

- any person engaged in work for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

(ii) Holiday home or short-term rental

An occupier of premises in the general area must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commits an offence if there are more than 5 persons present.

(iii) Place of residence

Each adult member of a household in the general area must not allow more than **5 visitors** at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to contact arrangements between a parent and child or between children who are siblings who do not live in the same household
- there because of an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- inspecting the place of residence for sale or lease or participating in an auction of the place of residence

- at the place of residence to attend a funeral, memorial or wedding service or gathering afterwards.

(iv) Entertainment facility or recreation facility (major)

The occupier of an **entertainment facility** in the general area must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** in the general area must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule of unfixed seating OR the 4sqm rule in the facility.

If an entertainment facility relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats. This is also the case for a recreation facility (major) that relies on the total of 50% of the fixed seating capacity plus the 4sqm rule calculation.

(v) Gymnasium and recreation facility (indoor)

The occupier of a gymnasium in the general area must not allow more than 20 persons to attend a group class at the gymnasium.

The occupier of a recreation facility (indoor) in the general area must not allow more than 20 persons to attend a group dance class at the facility.

(B) Fitted face coverings

A person over 12 years old in the general area must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (see **Schedule B** for information on these types of gatherings)
- working at a hospitality venue and dealing directly with members of the public.

The operator of a hospitality venue in the general area must ensure all persons working at the venue comply with this requirement.

There are a number of **exemptions** to these face covering rules:

- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. A person must carry and provide a police officer for inspection on request:
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working if the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or enunciation and visibility of the person's mouth is essential or the work is in an indoor area and no other person is present or the work is at a school
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- in a vehicle where no other person is in the vehicle except a member of the person's household or the person's nominated visitor
- in a hotel, motel or other accommodation as a guest and the person is in their room
- the person is a student at a school
- the person is in a public hospital or private health facility as a patient
- a resident in a residential aged care facility
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in the process of getting married

(C) Miscellaneous

(i) Working from home

An employer must allow an employee whose place of residence is in the general area to work at the employee's place of residence if it is reasonably practicable to do so.

(ii) Singing indoors

The occupier of premises in a general area must not allow a person to sing in an indoor area. This does **not** apply to –

- a place of residence

- an educational establishment
- a performer who is performing or rehearsing
- a person who is engaged in instruction in singing

(iii) Dancing indoors at a hospitality venue or nightclub

The occupier of premises in the general area that is a hospitality venue or a nightclub must not allow a person to dance in an indoor area. This does **not** apply to dancing at a wedding if:

- the persons dancing are members of the wedding party, and
- no more than 20 persons dance at any one time.

(iv) Consuming alcohol while seated only

The occupier of premises in the general area must not allow a person to consume alcohol in an indoor area unless the person is seated. This does **not** apply to a place of residence.

Directions applying to **stay at home areas**

(A) Staying at home

A person who has been in a stay at home area at any time while the area was identified as a stay at home area must not, without reasonable excuse be away from the person's home wherever located, or temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in a stay at home area during the previous 14 days.

From 23 August 2021, if requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for a stay at home area are to/for:

- Work if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood

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- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together. In some circumstances such as an anniversary of the death of a child or close family member, a visit to a grave will be permitted. Such a visit must be short in duration and the limit on outdoor public gatherings complied with
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect a new home
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtain food, goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA or no further than 5km from the person's home or temporary accommodation and not in an area of concern
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request
 - only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted
- Exercise or outdoor recreation if:
 - undertaken within the person's LGA or in another LGA no further than 5km from the person's home or temporary accommodation
 - for a person 16 years and over, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people.

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- Attending a small funeral or memorial service or gathering afterwards in the stay at home area, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the stay at home area it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend.

Taking a holiday is NOT a reasonable excuse

Note: Coastal waters are part of the closest LGA.

(B) Closure of premises

(i) Premises that must not be open

The following premises in a stay at home area must not be open to members of the public:

- amusement centres
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses
- betting agencies
- markets that do not predominantly sell food
- gaming lounges
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property operated by the National Trust or the Historic Houses Trust
- sex services premises
- sex on premises venues
- strip clubs

(ii) Premises that must not be open except in limited circumstances

The following premises in a stay at home area must not be open to members of the public except as provided:

- entertainment facilities
- food and drink premises, other than cafeterias in workplaces
- information and education facilities

FOR INTERNAL USE ONLY

- micro-breweries or small distilleries holding a drink on premises authorization under the Liquor Act 2007 or cellar door premises
- places of public worship
- pubs, clubs and casinos
- recreation facilities (indoor)

These premises may be open:

- to sell food or beverages off premises or in a shopping centre outside the shopping centre
- if the premises are part of hotel or motel accommodation to provide accommodation including providing food and beverages to guests to consume in their rooms
- to hold a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- to provide educational services or childcare

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

(iii) Retail premises

All retail premises in a stay at home area must be closed to the public except:

- chemists and pharmacies
- garden centres and plant nurseries
- hardware and building supplies
- kiosks
- landscaping material supplies
- rural supplies
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies

- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retails premises can still provide “click and collect” and home delivery services.

(iv) Caravan parks and camping grounds

Caravan parks or camping grounds must not be open to the public in the stay at home area except to:

- provide accommodation to the following:
 - permanent residents of the premises,
 - overnight travelers,
 - persons working in the local area,
 - persons who have no permanent place of residence, and
- allow persons to visit a person who is staying in accommodation on the premises

A person can stay in accommodation if the person –

- was staying at the premises before the relevant date (the date the area was included as a stay at home area), and
- is still staying there under a booking made before the relevant date that has not been extended after that date.

(v) Exceptions

Nothing prevents premises in a stay at home area to be open:

- 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 people, or
- as an early education and care facility.

(C) Maximum number of persons permitted on premises

(i) Generally

The occupier of premises in a stay at home area (including an operator of a vehicle or vessel) must not allow more persons than the number allowed by the 4 sqm rule on the premises.

This does not apply to:

FOR INTERNAL USE ONLY

- a place of residence, holiday home or short-term rental
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

(ii) Holiday home or short-term rental

The occupier of premises in a stay at home area must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence for the purposes of this Order.

(iii) Place of residence

Each member of the household who is an adult must not allow a person to visit the household unless the person is an authorised visitor. A person must not visit a home in a stay at home area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes –

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

FOR INTERNAL USE ONLY

- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives in the stay at home area but not an area of concern.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in a stay at home area to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in a stay at home area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time, or
- it is carried out in an indoor area of a home, and the work is not necessary, no more than 2 workers are in an indoor area of the place of residence at any 1 time, and no person, other than another worker, is in the same room as the worker

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

Vehicles (car pooling)

A person must not be in a vehicle in a stay at home area with another person other than someone from their household or the person's nominated visitor.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request.

None of the above car pooling restrictions apply to a vehicle being used to engage in work (such as police cars), for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

(D) Outdoor public gatherings

A person must not participate in an outdoor public gathering in a stay at home area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons carrying out work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

(E) Fitted face coverings

A person over the age of 12 years in a stay at home area must carry a fitted face covering unless the person is at their place of residence.

A person over the age of 12 years in a stay at home area must wear a fitted face covering (over both the nose and mouth) at all times while in settings that also apply to the general area – refer to *fitted face coverings* in the **general area**.

In addition, from 23 August 2021 a person in a stay at home area must wear a fitted face covering:

- in an indoor or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or

- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service.

The operator of a hospitality venue in a stay at home area must ensure all persons working at the venue comply with these rules.

The same exceptions that apply to the wearing of face coverings in the general area apply to a stay at home area. In addition, a person is allowed to remove their face covering in a stay at home area if they are engaging in physical exercise.

(F) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in a stay at home area to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in a stay at home area must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in an education establishment, or
- the persons are singing for the purpose of instruction in singing.

(iii) Property inspections

A person must not conduct an open inspection of premises in a stay at home area for the purposes of the sale or lease of the premises in a stay at home area where people attend in person.

This does not prevent a person carrying out an inspection of premises if—

- the person has made an appointment to carry out the inspection, and
- no more than 1 person inspects the premises at any 1 time.

(iv) Auctions

A person must not conduct an auction at premises in a stay at home area at which persons attend in persons.

An auction for food supply, or livestock, fibre or crops is exempt from this direction and can continue to be open to the public for this purpose.

Directions applying to areas of concern

(A) Staying at home

A person whose place of residence is in an area of concern must not, without reasonable excuse be away from the person's home, or be away from the temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in an area of concern area during the previous 14 days.

Curfew from 23 August 2021: A person in an area of concern is not able to be away from their home between the hours of 9pm on a day and 5am on the following day other than for the purposes of work, arranging childcare, medical reasons or donating blood, providing care to others, emergencies, animal welfare and legal obligations as outlined below.

From 23 August 2021, if requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for an area of concern outside curfew are:

- Work if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together. In some circumstances such as an anniversary of the death or a child or close family member, a visit to a grave will be permitted. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare

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- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect a new home
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- obtaining goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - the goods and services must be obtained within 5km from the person's home or temporary accommodation. If they are not reasonably available in the 5km radius, they must be obtained from another place in the area of concern, or if they are not reasonably available in the area of concern, from the closest place to the home that they are reasonably available (for an area of concern in Greater Sydney this must be in Greater Sydney).
 - A person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.
 - Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- Exercising, allowing a child who is 12 years or younger to play, supervising a child who is 12 years or younger who has left the residence to play no further than 5km from the person's place of residence
 - for a person 16 years or over who is exercising or taking a child to play or supervising a child playing must carry evidence of their name and address or temporary accommodation and produce it to police if requested
- From 23 August 2021, a person must not be away from a person's home for more than one hour a day for exercise or supervision of a child's play
- attending a small funeral or memorial service or gathering afterwards in the area of concern, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the area of concern it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend.

(B) Leaving an area of concern for work

A person who lives in an area of concern must not leave the area of concern for the purposes of work unless the person is an authorised worker. The list of authorised workers can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>

From 28 August 2021, an authorised worker must not leave the area of concern for work without a permit issued by Service NSW. An authorised worker does not need a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a registered health practitioner who is working outside of Greater Sydney because of an emergency
- a registered health practitioner who is working outside of Greater Sydney because of an unforeseen or unplanned circumstance or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF flight crew
- ADF personnel who are required to work outside of Greater Sydney because of OP COVID19 Assist, an emergency or other unforeseen or unplanned circumstances.

From 30 August 2021, an authorised worker must not leave the area of concern for work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contraindication certificate. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

When leaving the area of concern for work the authorised worker must carry and produce evidence of the worker's name, address and vaccination for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

This does not apply to a person who is tested as part of a COVID-19 rapid antigen testing program or a person who has not been in the area of concern in the last 14 days.

(C) Entering an area of concern for work

From 28 August 2021, a person must not enter an area of concern to carry out work in the area of concern without a permit issued by Service NSW. A person does not require a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a registered health practitioner who is working outside of Greater Sydney because of an emergency
- a registered health practitioner who is working outside of Greater Sydney because of an unforeseen or unplanned circumstance or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF flight crew
- ADF personnel who are required to work outside of Greater Sydney because of OP COVID19 Assist, an emergency or other unforeseen or unplanned circumstances.

(D) Closure of premises

(i) Premises that must not be open

Premises in an area of concern that must not be open to members of the public are the same as those that apply to premises in a stay at home area. Refer above.

(ii) Premises that must not be open except in limited circumstances

Premises in an area of concern that must not be open to members of the public except in limited circumstances are the same as those that apply to premises in a stay at home area. Refer above.

(iii) Retail premises

All retail premises in an area of concern must be closed to the public except:

- chemists and pharmacies
- kiosks

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- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- vehicle hire premises (but not premises where vehicles are sold)
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retails premises can still provide “click and collect” and home delivery services.

The following premises must not be open to members of the public, but may be open to trade or business customers:

- Garden centres and plant nurseries
- Hardware and building supplies
- Landscaping material supplies
- Rural supplies
- Timber yards.

(iv) Caravan parks and camping grounds

Rules around caravan parks or camping grounds in an area of concern are the same as those caravan parks or camping grounds in a stay at home area. Refer above.

(v) Exceptions

Exceptions that apply to premises in stay at home area also apply to premises in an area of concern. Refer above.

(E) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises in an area of concern (including an operator of a vehicle or vessel) is subject to the same capacity restrictions as those premises in a stay at home area. Refer above.

(ii) Holiday home or short-term rental

The occupier of premises in an area of concern must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

(iii) Place of residence

If the place of residence of a household is in an area of concern, each member of the household who is an adult must not allow a person to visit the place of residence unless the person is an authorised visitor. A person must not visit a place of residence in an area of concern area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes -

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives within 5 km of the person.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in an area of concern to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in an area of concern area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time.

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

(vi) Vehicles (car pooling)

A person in a vehicle in an area of concern is subject to the same limitations and requirements as a person in a vehicle in a stay at home area – refer above.

(vii) Construction sites

An occupier of a construction site in an area of concern is subject to the same requirements and obligations as an occupier of a construction site in a stay at home area.

(F) Outdoor public gatherings

A person in an area of concern must not participate in an outdoor public gathering of more than **2 persons** just like in a stay at home area.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

(G) Fitted face coverings

A person over the age of 12 years in an area of concern must carry a fitted face covering unless the person is at their place of residence, just like in a stay at home area.

A person over the age of 12 years in an area of concern must wear a fitted face covering over the nose and mouth while the person is –

- in an indoor area or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service

The same exceptions that apply to the wearing of face coverings in a general area apply to areas of concern – refer above.

(H) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in an area of concern to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in an area of concern is subject to the same restrictions on singing indoors as an occupier of non-residential premises in a stay at home area. Refer above.

(iii) Property inspections and auctions

Property inspections in an area of concern are subject to the same restrictions as those in a stay at home area. Refer above.

(iv) Educational institutions

From 23 August 2021, classes, lectures, exams or other teaching or assessment sessions must not be conducted at an educational institution in an area of concern if students attend in person. This does not apply to a school or to an educational institution operated by NSW Health.

(v) Vaccinations – early education and care and disability support

From 30 August 2021, a relevant care worker (certain workers in early education and care facilities and providing a disability service) must not enter or remain in the worker's place of work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contradiction certificate. The relevant care worker must, when entering the worker's place of work, carry and produce for inspection evidence of the person's name, address and vaccination if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Additional directions for Greater Sydney

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

(A) Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- Work if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood

- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together
- Family contact arrangements
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect a new home
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care

Taking a holiday is NOT a reasonable excuse.

(B) Leaving Greater Sydney

(i) Testing of workers leaving Greater Sydney

A person who resides in Greater Sydney must not enter premises that are more than 50km outside of Greater Sydney for the purposes of work unless the person –

- has been tested for COVID-19 in the previous 7 days, and
- carries evidence of the test, and
- carries evidence showing the address of the person's place of residence.

For non-residential premises, the occupier must not allow the person to enter or remain on the premises unless the person satisfies the occupier that the person has been tested for COVID-19 within the previous 7 days.

The person must produce the evidence of the test for inspection by the occupier or the person's employer on request.

The person 16 years and older must, if requested to do so by a police officer, produce evidence of the test and evidence showing the person's address.

Exemption: an emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties (e.g. attending a urgent callout while on shift).

(ii) Permits for persons leaving Greater Sydney

A person who resides in Greater Sydney who:

- is moving either temporarily or permanently to a place of residence outside Greater Sydney, or
- goes more than 50km from Greater Sydney to carry out work, or
- is leaving Greater Sydney to inspect residential property

must not leave Greater Sydney without a permit issued by Service NSW.

The person must comply with the conditions included in the permit and must carry the permit and produce the permit for inspection if requested do so by a police officer.

A person does not need a permit to provide emergency services. Until 3:00pm on 25 August 2021, NSW Health staff, a person providing services to a local health district or a statutory health corporation, a staff member licensed under the Private Health Facilities Act 2007, a medical practitioner providing GP locum services and a member of the ADF are also exempt.

The following persons are exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a registered health practitioner who is working outside of Greater Sydney because of an emergency
- a registered health practitioner who is working outside of Greater Sydney because of an unforeseen or unplanned circumstance or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF flight crew
- ADF personnel who are required to work outside of Greater Sydney because of OP COVID19 Assist, an emergency or other unforeseen or unplanned circumstances.

(iii) Leaving Sydney to move between homes or to inspect property

A person who resides in Greater Sydney must not leave Greater Sydney:

- to move between places of residence of the person unless the movement:
 - is for the person's work and only the person moves to the other place of residence, or

- is for urgent maintenance or repairs or animal welfare and only 1 person moves to the other place of residence, or
- to inspect residential property unless:
 - the person has a genuine intention to reside outside Greater Sydney as soon as practicable, and
 - the person inspects the property as a potential place of residence for the person.

(iv) Carrying evidence of name and address when leaving Greater Sydney

A person who is 16 years and older who resides in Greater Sydney and who is outside Greater Sydney must:

- carry evidence showing the address of the person's name and place of residence, and
- produce the evidence for inspection if requested to do so by a police officer.

(C) Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site's current resourcing plan (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist.

(i) Vaccination required to work on construction sites in Greater Sydney

A person whose place of residence or temporary accommodation is in an area of concern must not enter or remain on a construction site in Greater Sydney unless the person:

- has had 2 doses of a COVID-19 vaccine, or
- has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- has had 1 does of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or

- has a medical contraindication certificate issued to them and has been tested for COVID-19 in the 72 hours before being on site. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person's employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The 'required evidence' includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Other directions applying to all areas

(D) Answering questions from contact tracers and providing other information

A person must, if requested by an authorised contact tracer:

- answer questions or provide other information about the person's movement, and
- provide the person's contact details.

A person must provide true and accurate evidence or information to a contact tracer.

A person must also provide true and accurate evidence and information in response to a request under the order or to Service NSW.

(E) Responses to police requests about who is in COVID-19 risk premises

A '**COVID-19 risk premises**' is a residence or place at which a person diagnosed with COVID-19

or a close contact is residing.

From 23 August 2021, a person who is residing or present at a COVID-19 risk premises must respond to any request made by a police officer for information about who is residing or present at the premises.

If a police officer knocks at a door of a COVID-19 risk premises, a resident is required to open the door and comply with the request of the officer. A request for information by the officer may include a request to provide the name and contact details of persons residing or present at the premises, whether at the time of the request or generally.

(F) Travelling through State

This Order does not apply to a person merely because the person:

- travels through the State in a vehicle if the person does not leave the vehicle while in the State, or
- enters the State by road and then travels through the State by the most practicable direct route, or
- enters the State by air and does not leave the airport while in the State, or
- enters the State by vessel or aircraft and then travels directly from the port or airport at which the persons arrived to leave the State by the most practicable direct route, or
- enters the State to travel to a port or airport to leave the State and then travels to the port or airport by the most practicable direct route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Schedule A: Exempted gatherings

- 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

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- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine or of the commercial vessel
- 11 Gathering at a school, university or other educational institution or childcare 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 St 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

Schedule B: COVID-19 safe outdoor gatherings and controlled outdoor public gatherings

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

A **COVID-19 safe outdoor gathering** is a gathering where the organiser:

- has and complies with the appropriate COVID-19 Safety Plan, and
- keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.

The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:

- the number permitted by the 4 sqm rule for the premises, or
- 5,000 persons.

These rules do not apply to:

- a gathering for which a COVID-19 Safety Plan is required (see table below)
- an exempted gathering listed in Annexure A of this Fact Sheet,
- a gathering to provide emergency assistance to a person or persons,
- an agricultural show or agricultural field day,
- a controlled outdoor public gathering.

A **controlled outdoor public gathering** is:

- held in an area that is enclosed or bounded by fencing or another form of barrier, and requires a ticket to enter, and
- all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.

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The restrictions on controlled outdoor public gatherings do not apply to:

- a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
- a gathering listed in **Schedule A** (exempted gatherings)

The organiser of a controlled public gathering must:

- ensure the above requirements are met
- have and comply with the appropriate COVID-19 Safety Plan, and
- keep a copy of the COVID-19 Safety Plan and make it available for inspection.

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No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities
22	Markets

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23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Notes on police powers

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

Powers generally

- Unless otherwise provided for in this Order, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPR. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPR, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPR allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPR if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

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TOPIC	PENALTY NOTICE	OFFENCE CODE	REG CODE	PENALTY AMOUNT
FACE COVERINGS - CHILDREN	15 years old or younger not wear/carry fitted face covering	97105	Reg Code HZZ	\$40
*Remember a child under 12 can not be infringed for face covering offences as they are exempt.	16 or 17 years old not wear/carry fitted face covering	97104	Reg Code PUW	\$80
FACE COVERINGS - ADULT	Not wear fitted face covering in retail/business premises	96587	Reg Code YLL	\$500
	Not wear fitted face covering in licensed gaming area	96588	Reg Code EIJ	\$500
	Not wear fitted face covering in entertainment facility	96589	Reg Code QLU	\$500
	Not wear fitted face covering in place of public worship etc	96590	Reg Code CRL	\$500
	Not wear fitted face covering residential aged care facility	96591	Reg Code OXS	\$500
	Not wear fitted face covering public transport waiting area	96592	Reg Code FIQ	\$500
	Not wear fitted face covering in public transport/taxi etc	96593	Reg Code XFT	\$500
	Not wear fitted face covering - hospitality venue worker	96594	Reg Code SBR	\$500
	Operator not ensure hospitality workers wear fitted face coverings - individual	96595	Reg Code WAN	\$1,000
>> Corporation Only >>	Operator not ensure hospitality workers wear fitted face coverings - corporation	896595	Reg Code EJO	\$5,000
	Not wear face covering in indoor area of non-residential premises	96953	Reg Code OPI	\$500
	Not wear fitted face covering in prescribed outdoor gathering	96954	Reg Code HSY	\$500
	Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001	Reg Code MME	\$500
	Fail to comply with any other wear face covering directive – individual	96960	Reg Code GYJ	\$500
Outdoor Gatherings	Not comply with outdoor public gatherings direction (stay at home area)	97721	Reg Code VKB	\$3,000
	Not comply with outdoor public gatherings direction (area of concern)	97722	Reg Code BFO	\$3,000

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Curfew (9pm-5am) Area of concern	Not comply with curfew – area of concern – individual	97729	Reg Code UGR	\$1,000
>> Corporation Only >>	Not comply with curfew – area of concern - corporation	897729	Reg Code NHU	\$5,000
Contact Tracer and Service NSW Requirements	Fail to answer questions from contact tracers and provide details as prescribed	97723	Reg Code XAM	\$5,000
	Not ensure true and accurate information provided to authorised contact tracer	97725	Reg Code AQN	\$5,000
	Not ensure true and accurate information provided to Service NSW	97724	Reg Code CCU	\$5,000
Working from Home	Employer fail to require employee to work from home (stay at home area) – Individual	97711	Reg Code TTA	\$2,000
	Employer fail to require employee to work from home (area of concern) – Individual	97712	Reg Code HSU	\$2,000
>> Corporation Only >>	Employer fail to require employee to work from home (stay at home area) – Corporation	897711	Reg Code KKV	\$10,000
>> Corporation Only >>	Employer fail to require employee to work from home (area of concern) – Corporation	897712	Reg Code IXQ	\$10,000
Construction Sites	Enter/remain on construction site not vaccinated/tested as prescribed – individual	97246	Reg Code EUG	\$2,000
>> Corporation Only >>	Enter/remain on construction site not vaccinated/tested as prescribed – corporation	897246	Reg Code TFF	\$10,000
	Occupier of construction site permit unlawful entry etc – individual	97248	Reg Code PXP	\$2,000
>> Corporation Only >>	Occupier of construction site permit unlawful entry etc – corporation	897248	Reg Code TKY	\$10,000
	Enter/remain on construction site not have/produce prescribed evidence – individual	97247	Reg Code XXT	\$2,000
>> Corporation Only >>	Enter/remain on construction site not have/produce prescribed evidence – corporation	897247	Reg Code FZH	\$10,000
Testing Workers	Not comply with requirements for testing workers leaving Greater Sydney	97715	Reg Code CKZ	\$3,000
Leave Greater Sydney	Leave Greater Sydney for prescribed purposes without permit	97716	Reg Code KAA	\$3,000

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	Leave Greater Sydney to unlawfully move between homes or inspect property	97717	Reg Code LFJ	\$3,000
	Person 16 years and over not carry identification evidence outside Greater Sydney	97718	Reg Code FFW	\$3,000
	Person 16 years and over not carry permit outside Greater Sydney	97719	Reg Code PJO	\$3,000
	Person relying on permit not comply with permit conditions	97720	Reg Code HUK	\$3,000
Any Other Breach Not Listed	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order by an Individual)	95638	Reg Code ZZE	\$1,000
>> Corporation Only >>	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – CORPORATION (this is the offence for any other breach of this Order by a Corporation)	895638	Reg Code YUW	\$5,000

COURT ATTENDANCE NOTICE	LAW PART CODE	PENALTY
15 years old or younger not wear/carry fitted face covering	97105	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
16 or 17 years old not wear/carry fitted face covering	97104	
Not wear fitted face covering in retail/business premises	96587	

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Not wear fitted face covering in licensed gaming area	96588		
Not wear fitted face covering in entertainment facility	96589		
Not wear fitted face covering in place of public worship etc	96590		
Not wear fitted face covering residential aged care facility	96591		
Not wear fitted face covering public transport waiting area	96592		
Not wear fitted face covering in public transport/taxi etc	96593		
Not wear fitted face covering - hospitality venue worker	96594		
Operator not ensure hospitality workers wear fitted face coverings - individual or corporation	96595		
Not wear face covering in indoor area of non-residential premises	96953		
Not wear fitted face covering in prescribed outdoor gathering	96954		
Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001		
Fail to comply with any other wear face covering directive – individual or corporation	96960		
Not comply with outdoor public gatherings direction (stay at home area)	97721		
Not comply with outdoor public gatherings direction (area of concern)	97722		

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Not comply with curfew – area of concern – individual or corporation	97729		
Fail to answer questions from contact tracers and provide details as prescribed	97723		
Not ensure true and accurate information provided to authorized contact tracer	97725		
Not ensure true and accurate information provided to Service NSW	97724		
Employer fail to require employee to work from home (stay at home area) – individual or corporation	97711		
Employer fail to require employee to work from home (area of concern) – individual or corporation	97712		
Enter/remain on construction site not vaccinated/tested as prescribed – individual or corporation	97246		
Enter/remain on construction site not have/produce prescribed evidence – individual or corporation	97247		
Occupier of construction site permit unlawful entry etc – individual or corporation	97248		
Not comply with requirements testing workers leaving Greater Sydney	97715		
Leave Greater Sydney for prescribed purposes without permit	97716		

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Leave Greater Sydney to unlawfully move between homes or inspect property	97717		
Person 16 years and over not carry identification evidence outside Greater Sydney	97718		
Person 16 years and over not carry permit outside Greater Sydney	97719		
Person relying on permit not comply with permit conditions	97720		
95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual or corporation	95638		

Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021

FACT SHEET 36

Additional Restrictions for Delta Outbreak

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021 commenced 21 August 2021.

Restrictions applicable to an area in NSW is based on the LEVEL of Risk that applies to that area. There are 3 areas: **The general area**, the **stay at home area** and the **area of concern**.

General area: the whole of the State is in the general area other than an area that is a stay at home area or an area of concern

Stay at home area: Greater Sydney other than a part of Greater Sydney listed as an area of concern; Regional NSW other than a part of the regional NSW area that is an area of concern

Areas of concern: LGAs of Bayside, City of Blacktown, Burwood, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool, City of Parramatta, Strathfield, and the following suburbs within the City of Penrith (Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys)

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

Directions applying to **the general area**

(A) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises (including an operator of a vehicle or vessel) in the general area must not allow more than the greater of 25 persons or the 4 sqm rule on the premises.

This **does not apply to:**

- a place of residence, holiday home or short-term rental
- an entertainment facility
- a recreation facility (major)
- a group class at a gym or a group dance class at a recreation facility (indoor)
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel

- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person and the number of persons on the premises, the following are not included:

- any person engaged in work for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

(ii) Holiday home or short-term rental

An occupier of premises in the general area must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commits an offence if there are more than 5 persons present.

(iii) Place of residence

Each adult member of a household in the general area must not allow more than **5 visitors** at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to contact arrangements between a parent and child or between children who are siblings who do not live in the same household
- there because of an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- inspecting the place of residence for sale or lease or participating in an auction of the place of residence

- at the place of residence to attend a funeral, memorial or wedding service or gathering afterwards.

(iv) Entertainment facility or recreation facility (major)

The occupier of an **entertainment facility** in the general area must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** in the general area must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule of unfixed seating OR the 4sqm rule in the facility.

If an entertainment facility relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats. This is also the case for a recreation facility (major) that relies on the total of 50% of the fixed seating capacity plus the 4sqm rule calculation.

(v) Gymnasium and recreation facility (indoor)

The occupier of a gymnasium in the general area must not allow more than 20 persons to attend a group class at the gymnasium.

The occupier of a recreation facility (indoor) in the general area must not allow more than 20 persons to attend a group dance class at the facility.

(B) Fitted face coverings

A person over 12 years old in the general area must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (see **Schedule B** for information on these types of gatherings)
- working at a hospitality venue and dealing directly with members of the public.

The operator of a hospitality venue in the general area must ensure all persons working at the venue comply with this requirement.

There are a number of **exemptions** to these face covering rules:

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- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. A person must carry and provide a police officer for inspection on request:
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working if the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or enunciation and visibility of the person's mouth is essential or the work is in an indoor area and no other person is present or the work is at a school
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- in a vehicle where no other person is in the vehicle except a member of the person's household or the person's nominated visitor
- in a hotel, motel or other accommodation as a guest and the person is in their room
- the person is a student at a school
- the person is in a public hospital or private health facility as a patient
- a resident in a residential aged care facility
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in the process of getting married

(C) Miscellaneous

(i) Working from home

An employer must allow an employee whose place of residence is in the general area to work at the employee's place of residence if it is reasonably practicable to do so.

(ii) Singing indoors

The occupier of premises in a general area must not allow a person to sing in an indoor area. This does **not** apply to –

- a place of residence

- an educational establishment
- a performer who is performing or rehearsing
- a person who is engaged in instruction in singing

(iii) Dancing indoors at a hospitality venue or nightclub

The occupier of premises in the general area that is a hospitality venue or a nightclub must not allow a person to dance in an indoor area. This does **not** apply to dancing at a wedding if:

- the persons dancing are members of the wedding party, and
- no more than 20 persons dance at any one time.

(iv) Consuming alcohol while seated only

The occupier of premises in the general area must not allow a person to consume alcohol in an indoor area unless the person is seated. This does **not** apply to a place of residence.

Directions applying to **stay at home areas**

(A) Staying at home

A person who has been in a stay at home area at any time while the area was identified as a stay at home area must not, without reasonable excuse be away from the person's home wherever located, or temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in a stay at home area during the previous 14 days.

From 23 August 2021, if requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for a stay at home area are to/for:

- Work if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood

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- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together. In some circumstances such as an anniversary of the death of a child or close family member, a visit to a grave will be permitted. Such a visit must be short in duration and the limit on outdoor public gatherings complied with
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect a new home
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtain food, goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA or no further than 5km from the person's home or temporary accommodation and not in an area of concern
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request
 - only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted
- Exercise or outdoor recreation if:
 - undertaken within the person's LGA or in another LGA no further than 5km from the person's home or temporary accommodation
 - for a person 16 years and over, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people.

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- Attending a small funeral or memorial service or gathering afterwards in the stay at home area, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the stay at home area it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend.

Taking a holiday is NOT a reasonable excuse

Note: Coastal waters are part of the closest LGA.

(B) Closure of premises

(i) Premises that must not be open

The following premises in a stay at home area must not be open to members of the public:

- amusement centres
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses
- betting agencies
- markets that do not predominantly sell food
- gaming lounges
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property operated by the National Trust or the Historic Houses Trust
- sex services premises
- sex on premises venues
- strip clubs

(ii) Premises that must not be open except in limited circumstances

The following premises in a stay at home area must not be open to members of the public except as provided:

- entertainment facilities
- food and drink premises, other than cafeterias in workplaces
- information and education facilities

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- micro-breweries or small distilleries holding a drink on premises authorization under the Liquor Act 2007 or cellar door premises
- places of public worship
- pubs, clubs and casinos
- recreation facilities (indoor)

These premises may be open:

- to sell food or beverages off premises or in a shopping centre outside the shopping centre
- if the premises are part of hotel or motel accommodation to provide accommodation including providing food and beverages to guests to consume in their rooms
- to hold a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- to provide educational services or childcare

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

(iii) Retail premises

All retail premises in a stay at home area must be closed to the public except:

- chemists and pharmacies
- garden centres and plant nurseries
- hardware and building supplies
- kiosks
- landscaping material supplies
- rural supplies
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies

- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retails premises can still provide “click and collect” and home delivery services.

(iv) Caravan parks and camping grounds

Caravan parks or camping grounds must not be open to the public in the stay at home area except to:

- provide accommodation to the following:
 - permanent residents of the premises,
 - overnight travelers,
 - persons working in the local area,
 - persons who have no permanent place of residence, and
- allow persons to visit a person who is staying in accommodation on the premises

A person can stay in accommodation if the person –

- was staying at the premises before the relevant date (the date the area was included as a stay at home area), and
- is still staying there under a booking made before the relevant date that has not been extended after that date.

(v) Exceptions

Nothing prevents premises in a stay at home area to be open:

- 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 people, or
- as an early education and care facility.

(C) Maximum number of persons permitted on premises

(i) Generally

The occupier of premises in a stay at home area (including an operator of a vehicle or vessel) must not allow more persons than the number allowed by the 4 sqm rule on the premises.

This does not apply to:

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- a place of residence, holiday home or short-term rental
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

(ii) Holiday home or short-term rental

The occupier of premises in a stay at home area must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence for the purposes of this Order.

(iii) Place of residence

Each member of the household who is an adult must not allow a person to visit the household unless the person is an authorised visitor. A person must not visit a home in a stay at home area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes –

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

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- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives in the stay at home area but not an area of concern.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in a stay at home area to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in a stay at home area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time, or
- it is carried out in an indoor area of a home, and the work is not necessary, no more than 2 workers are in an indoor area of the place of residence at any 1 time, and no person, other than another worker, is in the same room as the worker

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

Vehicles (car pooling)

A person must not be in a vehicle in a stay at home area with another person other than someone from their household or the person's nominated visitor.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request.

None of the above car pooling restrictions apply to a vehicle being used to engage in work (such as police cars), for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

(D) Outdoor public gatherings

A person must not participate in an outdoor public gathering in a stay at home area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons carrying out work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

(E) Fitted face coverings

A person over the age of 12 years in a stay at home area must carry a fitted face covering unless the person is at their place of residence.

A person over the age of 12 years in a stay at home area must wear a fitted face covering (over both the nose and mouth) at all times while in settings that also apply to the general area – refer to *fitted face coverings* in the **general area**.

In addition, from 23 August 2021 a person in a stay at home area must wear a fitted face covering:

- in an indoor or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or

- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service.

The operator of a hospitality venue in a stay at home area must ensure all persons working at the venue comply with these rules.

The same exceptions that apply to the wearing of face coverings in the general area apply to a stay at home area. In addition, a person is allowed to remove their face covering in a stay at home area if they are engaging in physical exercise.

(F) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in a stay at home area to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in a stay at home area must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in an education establishment, or
- the persons are singing for the purpose of instruction in singing.

(iii) Property inspections

A person must not conduct an open inspection of premises in a stay at home area for the purposes of the sale or lease of the premises in a stay at home area where people attend in person.

This does not prevent a person carrying out an inspection of premises if—

- the person has made an appointment to carry out the inspection, and
- no more than 1 person inspects the premises at any 1 time.

(iv) Auctions

A person must not conduct an auction at premises in a stay at home area at which persons attend in persons.

An auction for food supply, or livestock, fibre or crops is exempt from this direction and can continue to be open to the public for this purpose.

Directions applying to areas of concern

(A) Staying at home

A person whose place of residence is in an area of concern must not, without reasonable excuse be away from the person's home, or be away from the temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in an area of concern area during the previous 14 days.

Curfew from 23 August 2021: A person in an area of concern is not able to be away from their home between the hours of 9pm on a day and 5am on the following day other than for the purposes of work, arranging childcare, medical reasons or donating blood, providing care to others, emergencies, animal welfare and legal obligations as outlined below.

From 23 August 2021, if requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for an area of concern outside curfew are:

- Work if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together. In some circumstances such as an anniversary of the death or a child or close family member, a visit to a grave will be permitted. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare

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- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect a new home
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- obtaining goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - the goods and services must be obtained within 5km from the person's home or temporary accommodation. If they are not reasonably available in the 5km radius, they must be obtained from another place in the area of concern, or if they are not reasonably available in the area of concern, from the closest place to the home that they are reasonably available (for an area of concern in Greater Sydney this must be in Greater Sydney).
 - A person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.
 - Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- Exercising, allowing a child who is 12 years or younger to play, supervising a child who is 12 years or younger who has left the residence to play no further than 5km from the person's place of residence
 - for a person 16 years or over who is exercising or taking a child to play or supervising a child playing must carry evidence of their name and address or temporary accommodation and produce it to police if requested
- From 23 August 2021, a person must not be away from a person's home for more than one hour a day for exercise or supervision of a child's play
- attending a small funeral or memorial service or gathering afterwards in the area of concern, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the area of concern it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend.

(B) Leaving an area of concern for work

A person who lives in an area of concern must not leave the area of concern for the purposes of work unless the person is an authorised worker. The list of authorised workers can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>

From 28 August 2021, an authorised worker must not leave the area of concern for work without a permit issued by Service NSW. An authorised worker does not need a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF flight crew
- ADF personnel who is working as part of OP COVID19 Assist, or undertaking work in an emergency or other unforeseen or unplanned circumstances.

From 30 August 2021, an authorised worker must not leave the area of concern for work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contraindication certificate. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

When leaving the area of concern for work the authorised worker must carry and produce evidence of the worker's name, address and vaccination for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

This does not apply to a person who is tested as part of a COVID-19 rapid antigen testing program or a person who has not been in the area of concern in the last 14 days.

(C) Entering an area of concern for work

From 28 August 2021, a person must not enter an area of concern to carry out work in the area of concern without a permit issued by Service NSW. A person does not require a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF flight crew
- ADF personnel who is working as part of OP COVID19 Assist, or undertaking work in an emergency or other unforeseen or unplanned circumstances.

(D) Closure of premises

(i) Premises that must not be open

Premises in an area of concern that must not be open to members of the public are the same as those that apply to premises in a stay at home area. Refer above.

(ii) Premises that must not be open except in limited circumstances

Premises in an area of concern that must not be open to members of the public except in limited circumstances are the same as those that apply to premises in a stay at home area. Refer above.

(iii) Retail premises

All retail premises in an area of concern must be closed to the public except:

- chemists and pharmacies
- kiosks
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops

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- vehicle hire premises (but not premises where vehicles are sold)
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retails premises can still provide “click and collect” and home delivery services.

The following premises must not be open to members of the public, but may be open to trade or business customers:

- Garden centres and plant nurseries
- Hardware and building supplies
- Landscaping material supplies
- Rural supplies
- Timber yards.

(iv) Caravan parks and camping grounds

Rules around caravan parks or camping grounds in an area of concern are the same as those caravan parks or camping grounds in a stay at home area. Refer above.

(v) Exceptions

Exceptions that apply to premises in stay at home area also apply to premises in an area of concern. Refer above.

(E) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises in an area of concern (including an operator of a vehicle or vessel) is subject to the same capacity restrictions as those premises in a stay at home area. Refer above.

(ii) Holiday home or short-term rental

The occupier of premises in an area of concern must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

(iii) Place of residence

If the place of residence of a household is in an area of concern, each member of the household who is an adult must not allow a person to visit the place of residence unless the person is an authorised visitor. A person must not visit a place of residence in an area of concern area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes -

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives within 5 km of the person.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in an area of concern to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in an area of concern area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time.

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

(vi) Vehicles (car pooling)

A person in a vehicle in an area of concern is subject to the same limitations and requirements as a person in a vehicle in a stay at home area – refer above.

(vii) Construction sites

An occupier of a construction site in an area of concern is subject to the same requirements and obligations as an occupier of a construction site in a stay at home area.

(F) Outdoor public gatherings

A person in an area of concern must not participate in an outdoor public gathering of more than **2 persons** just like in a stay at home area.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)

- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises.

(G) Fitted face coverings

A person over the age of 12 years in an area of concern must carry a fitted face covering unless the person is at their place of residence, just like in a stay at home area.

A person over the age of 12 years in an area of concern must wear a fitted face covering over the nose and mouth while the person is –

- in an indoor area or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service

The same exceptions that apply to the wearing of face coverings in a general area apply to areas of concern – refer above.

(H) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in an area of concern to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in an area of concern is subject to the same restrictions on singing indoors as an occupier of non-residential premises in a stay at home area. Refer above.

(iii) Property inspections and auctions

Property inspections in an area of concern are subject to the same restrictions as those in a stay at home area. Refer above.

(iv) Educational institutions

From 23 August 2021, classes, lectures, exams or other teaching or assessment sessions must not be conducted at an educational institution in an area of concern if students attend in person. This does not apply to a school or to an educational institution operated by NSW Health.

(v) Vaccinations – early education and care and disability support

From 30 August 2021, a relevant care worker (certain workers in early education and care facilities and providing a disability service) must not enter or remain in the worker's place of work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contradiction certificate. The relevant care worker must, when entering the worker's place of work, carry and produce for inspection evidence of the person's name, address and vaccination if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Additional directions for Greater Sydney

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

(A) Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- Work if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together
- Family contact arrangements
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm

- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect a new home
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care

Taking a holiday is NOT a reasonable excuse.

(B) Leaving Greater Sydney

(i) Testing of workers leaving Greater Sydney

A person who resides in Greater Sydney must not enter premises that are more than 50km outside of Greater Sydney for the purposes of work unless the person –

- has been tested for COVID-19 in the previous 7 days, and
- carries evidence of the test, and
- carries evidence showing the address of the person's place of residence.

For non-residential premises, the occupier must not allow the person to enter or remain on the premises unless the person satisfies the occupier that the person has been tested for COVID-19 within the previous 7 days.

The person must produce the evidence of the test for inspection by the occupier or the person's employer on request.

The person 16 years and older must, if requested to do so by a police officer, produce evidence of the test and evidence showing the person's address.

Exemption: an emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties (e.g. attending a urgent callout while on shift).

(ii) Permits for persons leaving Greater Sydney

A person who resides in Greater Sydney who:

- is moving either temporarily or permanently to a place of residence outside Greater Sydney, or
- goes more than 50km from Greater Sydney to carry out work, or
- is leaving Greater Sydney to inspect residential property

must not leave Greater Sydney without a permit issued by Service NSW.

The person must comply with the conditions included in the permit and must carry the permit and produce the permit for inspection if requested do so by a police officer.

A person does not need a permit to provide emergency services. Until 3:00pm on 25 August 2021, NSW Health staff, a person providing services to a local health district or a statutory health corporation, a staff member licensed under the Private Health Facilities Act 2007, a medical practitioner providing GP locum services and a member of the ADF are also exempt.

The following persons are exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF flight crew
- ADF personnel who is working as part of OP COVID19 Assist, or undertaking work in an emergency or other unforeseen or unplanned circumstances.

(iii) Leaving Sydney to move between homes or to inspect property

A person who resides in Greater Sydney must not leave Greater Sydney:

- to move between places of residence of the person unless the movement:
 - is for the person's work and only the person moves to the other place of residence, or
 - is for urgent maintenance or repairs or animal welfare and only 1 person moves to the other place of residence, or
- to inspect residential property unless:
 - the person has a genuine intention to reside outside Greater Sydney as soon as practicable, and
 - the person inspects the property as a potential place of residence for the person.

(iv) Carrying evidence of name and address when leaving Greater Sydney

A person who is 16 years and older who resides in Greater Sydney and who is outside Greater Sydney must:

- carry evidence showing the address of the person's name and place of residence, and
- produce the evidence for inspection if requested to do so by a police officer.

(C) Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site's current resourcing plan (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist.

(i) Vaccination required to work on construction sites in Greater Sydney

A person whose place of residence or temporary accommodation is in an area of concern must not enter or remain on a construction site in Greater Sydney unless the person:

- has had 2 doses of a COVID-19 vaccine, or
- has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- has had 1 does of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- has a medical contraindication certificate issued to them and has been tested for COVID-19 in the 72 hours before being on site. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person's employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The 'required evidence' includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Other directions applying to all areas

(D) Answering questions from contact tracers and providing other information

A person must, if requested by an authorised contact tracer:

- answer questions or provide other information about the person's movement, and
- provide the person's contact details.

A person must provide true and accurate evidence or information to a contact tracer.

A person must also provide true and accurate evidence and information in response to a request under the order or to Service NSW.

(E) Responses to police requests about who is in COVID-19 risk premises

A '**COVID-19 risk premises**' is a residence or place at which a person diagnosed with COVID-19 or a close contact is residing.

From 23 August 2021, a person who is residing or present at a COVID-19 risk premises must respond to any request made by a police officer for information about who is residing or present at the premises.

If a police officer knocks at a door of a COVID-19 risk premises, a resident is required to open the door and comply with the request of the officer. A request for information by the officer may include a request to provide the name and contact details of persons residing or present at the

premises, whether at the time of the request or generally.

(F) Travelling through State

This Order does not apply to a person merely because the person:

- travels through the State in a vehicle if the person does not leave the vehicle while in the State, or
- enters the State by road and then travels through the State by the most practicable direct route, or
- enters the State by air and does not leave the airport while in the State, or
- enters the State by vessel or aircraft and then travels directly from the port or airport at which the persons arrived to leave the State by the most practicable direct route, or
- enters the State to travel to a port or airport to leave the State and then travels to the port or airport by the most practicable direct route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Schedule A: Exempted gatherings

- 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

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- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine or of the commercial vessel
- 11 Gathering at a school, university or other educational institution or childcare 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 St 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

Schedule B: COVID-19 safe outdoor gatherings and controlled outdoor public gatherings

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

A **COVID-19 safe outdoor gathering** is a gathering where the organiser:

- has and complies with the appropriate COVID-19 Safety Plan, and
- keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.

The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:

- the number permitted by the 4 sqm rule for the premises, or
- 5,000 persons.

These rules do not apply to:

- a gathering for which a COVID-19 Safety Plan is required (see table below)
- an exempted gathering listed in Annexure A of this Fact Sheet,
- a gathering to provide emergency assistance to a person or persons,
- an agricultural show or agricultural field day,
- a controlled outdoor public gathering.

A **controlled outdoor public gathering** is:

- held in an area that is enclosed or bounded by fencing or another form of barrier, and requires a ticket to enter, and
- all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.

The restrictions on controlled outdoor public gatherings do not apply to:

- a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
- a gathering listed in **Schedule A** (exempted gatherings)

The organiser of a controlled public gathering must:

- ensure the above requirements are met

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- have and comply with the appropriate COVID-19 Safety Plan, and
- keep a copy of the COVID-19 Safety Plan and make it available for inspection.

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No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities
22	Markets

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23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Notes on police powers

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

Powers generally

- Unless otherwise provided for in this Order, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPR. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPR, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPR allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPR if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

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TOPIC	PENALTY NOTICE	OFFENCE CODE	REG CODE	PENALTY AMOUNT
FACE COVERINGS - CHILDREN	15 years old or younger not wear/carry fitted face covering	97105	Reg Code HZZ	\$40
*Remember a child under 12 can not be infringed for face covering offences as they are exempt.	16 or 17 years old not wear/carry fitted face covering	97104	Reg Code PUW	\$80
FACE COVERINGS - ADULT	Not wear fitted face covering in retail/business premises	96587	Reg Code YLL	\$500
	Not wear fitted face covering in licensed gaming area	96588	Reg Code EIJ	\$500
	Not wear fitted face covering in entertainment facility	96589	Reg Code QLU	\$500
	Not wear fitted face covering in place of public worship etc	96590	Reg Code CRL	\$500
	Not wear fitted face covering residential aged care facility	96591	Reg Code OXS	\$500
	Not wear fitted face covering public transport waiting area	96592	Reg Code FIQ	\$500
	Not wear fitted face covering in public transport/taxi etc	96593	Reg Code XFT	\$500
	Not wear fitted face covering - hospitality venue worker	96594	Reg Code SBR	\$500
	Operator not ensure hospitality workers wear fitted face coverings - individual	96595	Reg Code WAN	\$1,000
>> Corporation Only >>	Operator not ensure hospitality workers wear fitted face coverings - corporation	896595	Reg Code EJO	\$5,000
	Not wear face covering in indoor area of non-residential premises	96953	Reg Code OPI	\$500
	Not wear fitted face covering in prescribed outdoor gathering	96954	Reg Code HSY	\$500
	Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001	Reg Code MME	\$500
	Fail to comply with any other wear face covering directive – individual	96960	Reg Code GYJ	\$500
Outdoor Gatherings	Not comply with outdoor public gatherings direction (stay at home area)	97721	Reg Code VKB	\$3,000
	Not comply with outdoor public gatherings direction (area of concern)	97722	Reg Code BFO	\$3,000

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Curfew (9pm-5am) Area of concern	Not comply with curfew – area of concern – individual	97729	Reg Code UGR	\$1,000
>> Corporation Only >>	Not comply with curfew – area of concern - corporation	897729	Reg Code NHU	\$5,000
Contact Tracer and Service NSW Requirements	Fail to answer questions from contact tracers and provide details as prescribed	97723	Reg Code XAM	\$5,000
	Not ensure true and accurate information provided to authorised contact tracer	97725	Reg Code AQN	\$5,000
	Not ensure true and accurate information provided to Service NSW	97724	Reg Code CCU	\$5,000
Working from Home	Employer fail to require employee to work from home (stay at home area) – Individual	97711	Reg Code TTA	\$2,000
	Employer fail to require employee to work from home (area of concern) – Individual	97712	Reg Code HSU	\$2,000
>> Corporation Only >>	Employer fail to require employee to work from home (stay at home area) – Corporation	897711	Reg Code KKV	\$10,000
>> Corporation Only >>	Employer fail to require employee to work from home (area of concern) – Corporation	897712	Reg Code IXQ	\$10,000
Construction Sites	Enter/remain on construction site not vaccinated/tested as prescribed – individual	97246	Reg Code EUG	\$2,000
>> Corporation Only >>	Enter/remain on construction site not vaccinated/tested as prescribed – corporation	897246	Reg Code TFF	\$10,000
	Occupier of construction site permit unlawful entry etc – individual	97248	Reg Code PXP	\$2,000
>> Corporation Only >>	Occupier of construction site permit unlawful entry etc – corporation	897248	Reg Code TKY	\$10,000
	Enter/remain on construction site not have/produce prescribed evidence – individual	97247	Reg Code XXT	\$2,000
>> Corporation Only >>	Enter/remain on construction site not have/produce prescribed evidence – corporation	897247	Reg Code FZH	\$10,000
Testing Workers	Not comply with requirements for testing workers leaving Greater Sydney	97715	Reg Code CKZ	\$3,000
Leave Greater Sydney	Leave Greater Sydney for prescribed purposes without permit	97716	Reg Code KAA	\$3,000

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	Leave Greater Sydney to unlawfully move between homes or inspect property	97717	Reg Code LFJ	\$3,000
	Person 16 years and over not carry identification evidence outside Greater Sydney	97718	Reg Code FFW	\$3,000
	Person 16 years and over not carry permit outside Greater Sydney	97719	Reg Code PJO	\$3,000
	Person relying on permit not comply with permit conditions	97720	Reg Code HUK	\$3,000
Any Other Breach Not Listed	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order by an Individual)	95638	Reg Code ZZE	\$1,000
>> Corporation Only >>	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – CORPORATION (this is the offence for any other breach of this Order by a Corporation)	895638	Reg Code YUW	\$5,000

COURT ATTENDANCE NOTICE	LAW PART CODE	PENALTY
15 years old or younger not wear/carry fitted face covering	97105	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
16 or 17 years old not wear/carry fitted face covering	97104	
Not wear fitted face covering in retail/business premises	96587	

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Not wear fitted face covering in licensed gaming area	96588		
Not wear fitted face covering in entertainment facility	96589		
Not wear fitted face covering in place of public worship etc	96590		
Not wear fitted face covering residential aged care facility	96591		
Not wear fitted face covering public transport waiting area	96592		
Not wear fitted face covering in public transport/taxi etc	96593		
Not wear fitted face covering - hospitality venue worker	96594		
Operator not ensure hospitality workers wear fitted face coverings - individual or corporation	96595		
Not wear face covering in indoor area of non-residential premises	96953		
Not wear fitted face covering in prescribed outdoor gathering	96954		
Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001		
Fail to comply with any other wear face covering directive – individual or corporation	96960		
Not comply with outdoor public gatherings direction (stay at home area)	97721		
Not comply with outdoor public gatherings direction (area of concern)	97722		

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Not comply with curfew – area of concern – individual or corporation	97729		
Fail to answer questions from contact tracers and provide details as prescribed	97723		
Not ensure true and accurate information provided to authorized contact tracer	97725		
Not ensure true and accurate information provided to Service NSW	97724		
Employer fail to require employee to work from home (stay at home area) – individual or corporation	97711		
Employer fail to require employee to work from home (area of concern) – individual or corporation	97712		
Enter/remain on construction site not vaccinated/tested as prescribed – individual or corporation	97246		
Enter/remain on construction site not have/produce prescribed evidence – individual or corporation	97247		
Occupier of construction site permit unlawful entry etc – individual or corporation	97248		
Not comply with requirements testing workers leaving Greater Sydney	97715		
Leave Greater Sydney for prescribed purposes without permit	97716		

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Leave Greater Sydney to unlawfully move between homes or inspect property	97717		
Person 16 years and over not carry identification evidence outside Greater Sydney	97718		
Person 16 years and over not carry permit outside Greater Sydney	97719		
Person relying on permit not comply with permit conditions	97720		
95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual or corporation	95638		

Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021

FACT SHEET 36

Additional Restrictions for Delta Outbreak

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021 commenced 21 August 2021.

Restrictions applicable to an area in NSW is based on the LEVEL of Risk that applies to that area. There are 3 areas: **The general area**, the **stay at home area** and the **area of concern**.

General area: the whole of the State is in the general area other than an area that is a stay at home area or an area of concern

Stay at home area: Greater Sydney other than a part of Greater Sydney listed as an area of concern; Regional NSW other than a part of the regional NSW area that is an area of concern

Areas of concern: LGAs of Bayside, City of Blacktown, Burwood, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool, City of Parramatta, Strathfield, and the following suburbs within the City of Penrith (Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys)

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

Directions applying to **the general area**

(A) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises (including an operator of a vehicle or vessel) in the general area must not allow more than the greater of 25 persons or the 4 sqm rule on the premises.

This **does not apply to:**

- a place of residence, holiday home or short-term rental
- an entertainment facility
- a recreation facility (major)
- a group class at a gym or a group dance class at a recreation facility (indoor)
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel

- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person and the number of persons on the premises, the following are not included:

- any person engaged in work for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

(ii) Holiday home or short-term rental

An occupier of premises in the general area must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commits an offence if there are more than 5 persons present.

(iii) Place of residence

Each adult member of a household in the general area must not allow more than **5 visitors** at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to contact arrangements between a parent and child or between children who are siblings who do not live in the same household
- there because of an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- inspecting the place of residence for sale or lease or participating in an auction of the place of residence

- at the place of residence to attend a funeral, memorial or wedding service or gathering afterwards.

(iv) Entertainment facility or recreation facility (major)

The occupier of an **entertainment facility** in the general area must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** in the general area must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule of unfixed seating OR the 4sqm rule in the facility.

If an entertainment facility relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats. This is also the case for a recreation facility (major) that relies on the total of 50% of the fixed seating capacity plus the 4sqm rule calculation.

(v) Gymnasium and recreation facility (indoor)

The occupier of a gymnasium in the general area must not allow more than 20 persons to attend a group class at the gymnasium.

The occupier of a recreation facility (indoor) in the general area must not allow more than 20 persons to attend a group dance class at the facility.

(B) Fitted face coverings

A person over 12 years old in the general area must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (see **Schedule B** for information on these types of gatherings)
- working at a hospitality venue and dealing directly with members of the public.

The operator of a hospitality venue in the general area must ensure all persons working at the venue comply with this requirement.

There are a number of **exemptions** to these face covering rules:

- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. A person must carry and provide a police officer for inspection on request:
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working if the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or enunciation and visibility of the person's mouth is essential or the work is in an indoor area and no other person is present or the work is at a school
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- in a vehicle where no other person is in the vehicle except a member of the person's household or the person's nominated visitor
- in a hotel, motel or other accommodation as a guest and the person is in their room
- the person is a student at a school
- the person is in a public hospital or private health facility as a patient
- a resident in a residential aged care facility
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in the process of getting married

(C) Miscellaneous

(i) Working from home

An employer must allow an employee whose place of residence is in the general area to work at the employee's place of residence if it is reasonably practicable to do so.

(ii) Singing indoors

The occupier of premises in a general area must not allow a person to sing in an indoor area. This does **not** apply to –

- a place of residence

- an educational establishment
- a performer who is performing or rehearsing
- a person who is engaged in instruction in singing

(iii) Dancing indoors at a hospitality venue or nightclub

The occupier of premises in the general area that is a hospitality venue or a nightclub must not allow a person to dance in an indoor area. This does **not** apply to dancing at a wedding if:

- the persons dancing are members of the wedding party, and
- no more than 20 persons dance at any one time.

(iv) Consuming alcohol while seated only

The occupier of premises in the general area must not allow a person to consume alcohol in an indoor area unless the person is seated. This does **not** apply to a place of residence.

Directions applying to **stay at home areas**

(A) Staying at home

A person who has been in a stay at home area at any time while the area was identified as a stay at home area must not, without reasonable excuse be away from the person's home wherever located, or temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in a stay at home area during the previous 14 days.

If requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for a stay at home area are to/for:

- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood

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- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons, including:
 - -where two people are in a relationship but do not live together,
 - to accompany another person, whom the person is visiting for compassionate reasons, when the other person is undertaking exercise or outdoor recreation
 - in circumstances such as an anniversary of the death of a child or close family member, a visit to a grave. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtain food, goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA or no further than 5km from the person's home or temporary accommodation and not in an area of concern
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request
 - only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted
- Exercise or outdoor recreation if:

- undertaken within the person's LGA or in another LGA no further than 5km from the person's home or temporary accommodation
- for a person 16 years and over, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people.

- Attending a small funeral or memorial service or gathering afterwards in the stay at home area, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the stay at home area it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend.

Taking a holiday is NOT a reasonable excuse

Note: Coastal waters are part of the closest LGA.

(B) Closure of premises

(i) Premises that must not be open

The following premises in a stay at home area must not be open to members of the public:

- amusement centres
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses
- betting agencies
- markets that do not predominantly sell food
- gaming lounges
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property operated by the National Trust or the Historic Houses Trust
- sex services premises
- sex on premises venues
- strip clubs

(ii) Premises that must not be open except in limited circumstances

The following premises in a stay at home area must not be open to members of the public except as provided:

- entertainment facilities
- food and drink premises, other than cafeterias in workplaces
- information and education facilities
- micro-breweries or small distilleries holding a drink on premises authorization under the Liquor Act 2007 or cellar door premises
- places of public worship
- pubs, clubs and casinos
- recreation facilities (indoor)

These premises may be open:

- to sell food or beverages off premises or in a shopping centre outside the shopping centre
- if the premises are part of hotel or motel accommodation to provide accommodation including providing food and beverages to guests to consume in their rooms
- to hold a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- to provide educational services or childcare

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

(iii) Retail premises

All retail premises in a stay at home area must be closed to the public except:

- chemists and pharmacies
- garden centres and plant nurseries
- hardware and building supplies
- kiosks
- landscaping material supplies

- rural supplies
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retails premises can still provide “click and collect” and home delivery services.

(iv) Caravan parks and camping grounds

Caravan parks or camping grounds must not be open to the public in the stay at home area except to:

- provide accommodation to the following:
 - permanent residents of the premises,
 - overnight travelers,
 - persons working in the local area,
 - persons who have no permanent place of residence, and
- allow persons to visit a person who is staying in accommodation on the premises

A person can stay in accommodation if the person –

- was staying at the premises before the relevant date (the date the area was included as a stay at home area), and
- is still staying there under a booking made before the relevant date that has not been extended after that date.

(v) Exceptions

Nothing prevents premises in a stay at home area to be open:

- 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 people, or

- as an early education and care facility.

(C) Maximum number of persons permitted on premises

(i) Generally

The occupier of premises in a stay at home area (including an operator of a vehicle or vessel) must not allow more persons than the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence, holiday home or short-term rental
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

(ii) Holiday home or short-term rental

The occupier of premises in a stay at home area must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence for the purposes of this Order.

(iii) Place of residence

Each member of the household who is an adult must not allow a person to visit the household unless the person is an authorised visitor. A person must not visit a home in a stay at home area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes –

- for childcare
- for family contact arrangements

- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives in the stay at home area but not an area of concern.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in a stay at home area to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in a stay at home area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time, or
- it is carried out in an indoor area of a home, and the work is not necessary, no more than 2 workers are in an indoor area of the place of residence at any 1 time, and no person, other than another worker, is in the same room as the worker

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

Vehicles (car pooling)

A person must not be in a vehicle in a stay at home area with another person other than someone from their household or the person's nominated visitor.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request.

None of the above car pooling restrictions apply to a vehicle being used to engage in work (such as police cars), for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

(D) Outdoor public gatherings

A person must not participate in an outdoor public gathering in a stay at home area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons carrying out work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises
- a gathering for a small funeral or memorial service, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service.

(E) Fitted face coverings

A person over the age of 12 years in a stay at home area must carry a fitted face covering unless the person is at their place of residence.

A person over the age of 12 years in a stay at home area must wear a fitted face covering (over both the nose and mouth) at all times while in settings that also apply to the general area – refer to *fitted face coverings* in the **general area**.

In addition, a person in a stay at home area must wear a fitted face covering:

- in an indoor or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service.

The operator of a hospitality venue in a stay at home area must ensure all persons working at the venue comply with these rules.

The same exceptions that apply to the wearing of face coverings in the general area apply to a stay at home area. In addition, a person is allowed to remove their face covering in a stay at home area if they are engaging in physical exercise.

(F) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in a stay at home area to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in a stay at home area must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in an education establishment, or
- the persons are singing for the purpose of instruction in singing.

(iii) Property inspections

A person must not conduct an open inspection of premises in a stay at home area for the purposes of the sale or lease of the premises in a stay at home area where people attend in person.

This does not prevent a person carrying out an inspection of premises if—

- the person has made an appointment to carry out the inspection, and
- no more than 1 person inspects the premises at any 1 time.

(iv) Auctions

A person must not conduct an auction at premises in a stay at home area at which persons attend in persons.

An auction for food supply, or livestock, fibre or crops is exempt from this direction and can continue to be open to the public for this purpose.

Directions applying to areas of concern

(A) Staying at home

A person whose place of residence is in an area of concern must not, without reasonable excuse be away from the person's home, or be away from the temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in an area of concern area during the previous 14 days.

Curfew: A person in an area of concern is not able to be away from their home between the hours of 9pm on a day and 5am on the following day other than for the purposes of work, arranging childcare, medical reasons or donating blood, providing care to others, emergencies, animal welfare and legal obligations as outlined below.

If requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for an area of concern outside curfew are:

- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home

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- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons, including:
 - where two people are in a relationship but do not live together,
 - to accompany another person, whom the person is visiting for compassionate reasons, when the other person is undertaking exercise in accordance with the order
 - in circumstances such as an anniversary of the death of a child or close family member, a visit to a grave. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- obtaining goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - the goods and services must be obtained within 5km from the person's home or temporary accommodation. If they are not reasonably available in the 5km radius, they must be obtained from another place in the area of concern, or if they are not reasonably available in the area of concern, from the closest place to the home that they are

reasonably available (for an area of concern in Greater Sydney this must be in Greater Sydney).

- A person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.
- Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- Exercising, allowing a child who is 12 years or younger to play, supervising a child who is 12 years or younger who has left the residence to play no further than 5km from the person's place of residence
 - for a person 16 years or over who is exercising or taking a child to play or supervising a child playing must carry evidence of their name and address or temporary accommodation and produce it to police if requested
- A person must not be away from a person's home for more than one hour a day for exercise or supervision of a child's play
- attending a small funeral or memorial service or gathering afterwards in the area of concern, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the area of concern it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend.

(B) Leaving an area of concern for work

A person who lives in an area of concern must not leave the area of concern for the purposes of work unless the person is an authorised worker. The list of authorised workers can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>

From 28 August 2021, an authorised worker must not leave the area of concern for work without a permit issued by Service NSW. An authorised worker does not need a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service

- ADF flight crew
- ADF personnel who is working as part of OP COVID19 Assist, or undertaking work in an emergency or other unforeseen or unplanned circumstances.

From 30 August 2021, an authorised worker must not leave the area of concern for work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contraindication certificate. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

When leaving the area of concern for work the authorised worker must carry and produce evidence of the worker's name, address and vaccination for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

This does not apply to a person who is tested as part of a COVID-19 rapid antigen testing program or a person who has not been in the area of concern in the last 14 days.

(C) Entering an area of concern for work

From 28 August 2021, a person must not enter an area of concern to carry out work in the area of concern without a permit issued by Service NSW. A person does not require a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF flight crew
- ADF personnel who is working as part of OP COVID19 Assist, or undertaking work in an emergency or other unforeseen or unplanned circumstances.

(D) Closure of premises

(i) Premises that must not be open

Premises in an area of concern that must not be open to members of the public are the same as those that apply to premises in a stay at home area. Refer above.

(ii) Premises that must not be open except in limited circumstances

Premises in an area of concern that must not be open to members of the public except in limited circumstances are the same as those that apply to premises in a stay at home area. Refer above.

(iii) Retail premises

All retail premises in an area of concern must be closed to the public except:

- chemists and pharmacies
- kiosks
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- vehicle hire premises (but not premises where vehicles are sold)
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide "click and collect" and home delivery services.

The following premises must not be open to members of the public, but may be open to trade or business customers:

- Garden centres and plant nurseries
- Hardware and building supplies
- Landscaping material supplies
- Rural supplies

- Timber yards.

(iv) Caravan parks and camping grounds

Rules around caravan parks or camping grounds in an area of concern are the same as those caravan parks or camping grounds in a stay at home area. Refer above.

(v) Exceptions

Exceptions that apply to premises in stay at home area also apply to premises in an area of concern. Refer above.

(E) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises in an area of concern (including an operator of a vehicle or vessel) is subject to the same capacity restrictions as those premises in a stay at home area. Refer above.

(ii) Holiday home or short-term rental

The occupier of premises in an area of concern must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

(iii) Place of residence

If the place of residence of a household is in an area of concern, each member of the household who is an adult must not allow a person to visit the place of residence unless the person is an authorised visitor. A person must not visit a place of residence in an area of concern area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes -

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home

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- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives within 5 km of the person.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) **Workers authorised to visit place of residence**

A worker is authorised to visit a place of residence in an area of concern to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in an area of concern area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time.

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out

- at a home that is unoccupied when the work is being carried out, and
- because it is necessary for the sale or lease of the place of residence.

(vi) Vehicles (car pooling)

A person in a vehicle in an area of concern is subject to the same limitations and requirements as a person in a vehicle in a stay at home area – refer above.

(vii) Construction sites

An occupier of a construction site in an area of concern is subject to the same requirements and obligations as an occupier of a construction site in a stay at home area.

(F) Outdoor public gatherings

A person in an area of concern must not participate in an outdoor public gathering of more than **2 persons** just like in a stay at home area.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises
- a gathering for a small funeral or memorial service, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service.

(G) Fitted face coverings

A person over the age of 12 years in an area of concern must carry a fitted face covering unless the person is at their place of residence, just like in a stay at home area.

A person over the age of 12 years in an area of concern must wear a fitted face covering over the nose and mouth while the person is –

- in an indoor area or outdoor area other than a place of residence, or

- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service

The same exceptions that apply to the wearing of face coverings in a general area apply to areas of concern – refer above.

(H) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in an area of concern to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in an area of concern is subject to the same restrictions on singing indoors as an occupier of non-residential premises in a stay at home area. Refer above.

(iii) Property inspections and auctions

Property inspections in an area of concern are subject to the same restrictions as those in a stay at home area. Refer above.

(iv) Educational institutions

Classes, lectures, exams or other teaching or assessment sessions must not be conducted at an educational institution in an area of concern if students attend in person. This does not apply to a school or to an educational institution operated by NSW Health.

(v) Vaccinations – early education and care and disability support

From 30 August 2021, a relevant care worker (certain workers in early education and care facilities and providing a disability service) must not enter or remain in the worker's place of work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contradiction certificate. The relevant care worker must, when entering the worker's place of work, carry and produce for inspection evidence of the person's name, address and vaccination if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Additional directions for Greater Sydney

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

(A) Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together
- Family contact arrangements
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care

Taking a holiday is NOT a reasonable excuse.

(B) Leaving Greater Sydney

(i) Testing of workers leaving Greater Sydney

A person who resides in Greater Sydney must not enter premises that are more than 50km outside of Greater Sydney for the purposes of work unless the person –

- has been tested for COVID-19 in the previous 7 days, and
- carries evidence of the test, and
- carries evidence showing the address of the person's place of residence.

For non-residential premises, the occupier must not allow the person to enter or remain on the premises unless the person satisfies the occupier that the person has been tested for COVID-19 within the previous 7 days.

The person must produce the evidence of the test for inspection by the occupier or the person's employer on request.

The person 16 years and older must, if requested to do so by a police officer, produce evidence of the test and evidence showing the person's address.

Exemption: an emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties (e.g. attending a urgent callout while on shift).

(ii) Permits for persons leaving Greater Sydney

A person who resides in Greater Sydney who:

- is moving either temporarily or permanently to a place of residence outside Greater Sydney, or
- goes more than 50km from Greater Sydney to carry out work, or
- is leaving Greater Sydney to inspect residential property

must not leave Greater Sydney without a permit issued by Service NSW.

The person must comply with the conditions included in the permit and must carry the permit and produce the permit for inspection if requested do so by a police officer.

A person does not need a permit to provide emergency services. Until 3:00pm on 25 August 2021, NSW Health staff, a person providing services to a local health district or a statutory health corporation, a staff member licensed under the Private Health Facilities Act 2007, a medical practitioner providing GP locum services and a member of the ADF are also exempt.

The following persons are exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF flight crew
- ADF personnel who is working as part of OP COVID19 Assist, or undertaking work in an emergency or other unforeseen or unplanned circumstances.

(iii) Leaving Sydney to move between homes or to inspect property

A person who resides in Greater Sydney must not leave Greater Sydney:

- to move between places of residence of the person unless the movement:
 - is for the person's work and only the person moves to the other place of residence, or
 - is for urgent maintenance or repairs or animal welfare and only 1 person moves to the other place of residence, or
- to inspect residential property unless:
 - the person has a genuine intention to reside outside Greater Sydney as soon as practicable, and
 - the person inspects the property as a potential place of residence for the person.

(iv) Carrying evidence of name and address when leaving Greater Sydney

A person who is 16 years and older who resides in Greater Sydney and who is outside Greater Sydney must:

- carry evidence showing the address of the person's name and place of residence, and
- produce the evidence for inspection if requested to do so by a police officer.

(C) Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site's current resourcing plan (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the

commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist.

(i) Vaccination required to work on construction sites in Greater Sydney

A person whose place of residence or temporary accommodation is in an area of concern must not enter or remain on a construction site in Greater Sydney unless the person:

- has had 2 doses of a COVID-19 vaccine, or
- has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- has had 1 dose of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- has a medical contraindication certificate issued to them and has been tested for COVID-19 in the 72 hours before being on site. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person's employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The 'required evidence' includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Other directions applying to all areas

(D) Answering questions from contact tracers and providing other information

A person must, if requested by an authorised contact tracer:

- answer questions or provide other information about the person's movement, and
- provide the person's contact details.

A person must provide true and accurate evidence or information to a contact tracer.

A person must also provide true and accurate evidence and information in response to a request under the order or to Service NSW.

(E) Responses to police requests about who is in COVID-19 risk premises

A '**COVID-19 risk premises**' is a residence or place at which a person diagnosed with COVID-19 or a close contact is residing.

A person who is residing or present at a COVID-19 risk premises must respond to any request made by a police officer for information about who is residing or present at the premises.

If a police officer knocks at a door of a COVID-19 risk premises, a resident is required to open the door and comply with the request of the officer. A request for information by the officer may include a request to provide the name and contact details of persons residing or present at the premises, whether at the time of the request or generally.

(F) Travelling through State

This Order does not apply to a person merely because the person:

- travels through the State in a vehicle if the person does not leave the vehicle while in the State, or
- enters the State by road and then travels through the State by the most practicable direct route, or
- enters the State by air and does not leave the airport while in the State, or

- enters the State by vessel or aircraft and then travels directly from the port or airport at which the persons arrived to leave the State by the most practicable direct route, or
- enters the State to travel to a port or airport to leave the State and then travels to the port or airport by the most practicable direct route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Schedule A: Exempted gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine or of the commercial vessel
- 11 Gathering at a school, university or other educational institution or childcare 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 St 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

Schedule B: COVID-19 safe outdoor gatherings and controlled outdoor public gatherings

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

A **COVID-19 safe outdoor gathering** is a gathering where the organiser:

- has and complies with the appropriate COVID-19 Safety Plan, and

- keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.

The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:

- the number permitted by the 4 sqm rule for the premises, or
- 5,000 persons.

These rules do not apply to:

- a gathering for which a COVID-19 Safety Plan is required (see table below)
- an exempted gathering listed in Annexure A of this Fact Sheet,
- a gathering to provide emergency assistance to a person or persons,
- an agricultural show or agricultural field day,
- a controlled outdoor public gathering.

A **controlled outdoor public gathering** is:

- held in an area that is enclosed or bounded by fencing or another form of barrier, and requires a ticket to enter, and
- all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.

The restrictions on controlled outdoor public gatherings do not apply to:

- a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
- a gathering listed in **Schedule A** (exempted gatherings)

The organiser of a controlled public gathering must:

- ensure the above requirements are met
- have and comply with the appropriate COVID-19 Safety Plan, and
- keep a copy of the COVID-19 Safety Plan and make it available for inspection.

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No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities
22	Markets

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23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Notes on police powers

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

Powers generally

- Unless otherwise provided for in this Order, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPR. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPR, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPR allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPR if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

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TOPIC	PENALTY NOTICE	OFFENCE CODE	REG CODE	PENALTY AMOUNT
FACE COVERINGS - CHILDREN	15 years old or younger not wear/carry fitted face covering	97105	Reg Code HZZ	\$40
*Remember a child under 12 can not be infringed for face covering offences as they are exempt.	16 or 17 years old not wear/carry fitted face covering	97104	Reg Code PUW	\$80
FACE COVERINGS - ADULT	Not wear fitted face covering in retail/business premises	96587	Reg Code YLL	\$500
	Not wear fitted face covering in licensed gaming area	96588	Reg Code EIJ	\$500
	Not wear fitted face covering in entertainment facility	96589	Reg Code QLU	\$500
	Not wear fitted face covering in place of public worship etc	96590	Reg Code CRL	\$500
	Not wear fitted face covering residential aged care facility	96591	Reg Code OXS	\$500
	Not wear fitted face covering public transport waiting area	96592	Reg Code FIQ	\$500
	Not wear fitted face covering in public transport/taxi etc	96593	Reg Code XFT	\$500
	Not wear fitted face covering - hospitality venue worker	96594	Reg Code SBR	\$500
	Operator not ensure hospitality workers wear fitted face coverings - individual	96595	Reg Code WAN	\$1,000
>> Corporation Only >>	Operator not ensure hospitality workers wear fitted face coverings - corporation	896595	Reg Code EJO	\$5,000
	Not wear face covering in indoor area of non-residential premises	96953	Reg Code OPI	\$500
	Not wear fitted face covering in prescribed outdoor gathering	96954	Reg Code HSY	\$500
	Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001	Reg Code MME	\$500
	Fail to comply with any other wear face covering directive – individual	96960	Reg Code GYJ	\$500
Outdoor Gatherings	Not comply with outdoor public gatherings direction (stay at home area)	97721	Reg Code VKB	\$3,000
	Not comply with outdoor public gatherings direction (area of concern)	97722	Reg Code BFO	\$3,000

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Curfew (9pm-5am) Area of concern	Not comply with curfew – area of concern – individual	97729	Reg Code UGR	\$1,000
>> Corporation Only >>	Not comply with curfew – area of concern - corporation	897729	Reg Code NHU	\$5,000
Contact Tracer and Service NSW Requirements	Fail to answer questions from contact tracers and provide details as prescribed	97723	Reg Code XAM	\$5,000
	Not ensure true and accurate information provided to authorised contact tracer	97725	Reg Code AQN	\$5,000
	Not ensure true and accurate information provided to Service NSW	97724	Reg Code CCU	\$5,000
Working from Home	Employer fail to require employee to work from home (stay at home area) – Individual	97711	Reg Code TTA	\$2,000
	Employer fail to require employee to work from home (area of concern) – Individual	97712	Reg Code HSU	\$2,000
>> Corporation Only >>	Employer fail to require employee to work from home (stay at home area) – Corporation	897711	Reg Code KKV	\$10,000
>> Corporation Only >>	Employer fail to require employee to work from home (area of concern) – Corporation	897712	Reg Code IXQ	\$10,000
Construction Sites	Enter/remain on construction site not vaccinated/tested as prescribed – individual	97246	Reg Code EUG	\$2,000
>> Corporation Only >>	Enter/remain on construction site not vaccinated/tested as prescribed – corporation	897246	Reg Code TFF	\$10,000
	Occupier of construction site permit unlawful entry etc – individual	97248	Reg Code PXP	\$2,000
>> Corporation Only >>	Occupier of construction site permit unlawful entry etc – corporation	897248	Reg Code TKY	\$10,000
	Enter/remain on construction site not have/produce prescribed evidence – individual	97247	Reg Code XXT	\$2,000
>> Corporation Only >>	Enter/remain on construction site not have/produce prescribed evidence – corporation	897247	Reg Code FZH	\$10,000
Testing Workers	Not comply with requirements for testing workers leaving Greater Sydney	97715	Reg Code CKZ	\$3,000
Leave Greater Sydney	Leave Greater Sydney for prescribed purposes without permit	97716	Reg Code KAA	\$3,000

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	Leave Greater Sydney to unlawfully move between homes or inspect property	97717	Reg Code LFJ	\$3,000
	Person 16 years and over not carry identification evidence outside Greater Sydney	97718	Reg Code FFW	\$3,000
	Person 16 years and over not carry permit outside Greater Sydney	97719	Reg Code PJO	\$3,000
	Person relying on permit not comply with permit conditions	97720	Reg Code HUK	\$3,000
Any Other Breach Not Listed	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order by an Individual)	95638	Reg Code ZZE	\$1,000
>> Corporation Only >>	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – CORPORATION (this is the offence for any other breach of this Order by a Corporation)	895638	Reg Code YUW	\$5,000

COURT ATTENDANCE NOTICE	LAW PART CODE	PENALTY
15 years old or younger not wear/carry fitted face covering	97105	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
16 or 17 years old not wear/carry fitted face covering	97104	
Not wear fitted face covering in retail/business premises	96587	

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Not wear fitted face covering in licensed gaming area	96588		
Not wear fitted face covering in entertainment facility	96589		
Not wear fitted face covering in place of public worship etc	96590		
Not wear fitted face covering residential aged care facility	96591		
Not wear fitted face covering public transport waiting area	96592		
Not wear fitted face covering in public transport/taxi etc	96593		
Not wear fitted face covering - hospitality venue worker	96594		
Operator not ensure hospitality workers wear fitted face coverings - individual or corporation	96595		
Not wear face covering in indoor area of non-residential premises	96953		
Not wear fitted face covering in prescribed outdoor gathering	96954		
Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001		
Fail to comply with any other wear face covering directive – individual or corporation	96960		
Not comply with outdoor public gatherings direction (stay at home area)	97721		
Not comply with outdoor public gatherings direction (area of concern)	97722		

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Not comply with curfew – area of concern – individual or corporation	97729		
Fail to answer questions from contact tracers and provide details as prescribed	97723		
Not ensure true and accurate information provided to authorized contact tracer	97725		
Not ensure true and accurate information provided to Service NSW	97724		
Employer fail to require employee to work from home (stay at home area) – individual or corporation	97711		
Employer fail to require employee to work from home (area of concern) – individual or corporation	97712		
Enter/remain on construction site not vaccinated/tested as prescribed – individual or corporation	97246		
Enter/remain on construction site not have/produce prescribed evidence – individual or corporation	97247		
Occupier of construction site permit unlawful entry etc – individual or corporation	97248		
Not comply with requirements testing workers leaving Greater Sydney	97715		
Leave Greater Sydney for prescribed purposes without permit	97716		

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Leave Greater Sydney to unlawfully move between homes or inspect property	97717		
Person 16 years and over not carry identification evidence outside Greater Sydney	97718		
Person 16 years and over not carry permit outside Greater Sydney	97719		
Person relying on permit not comply with permit conditions	97720		
95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual or corporation	95638		

Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021

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Additional Restrictions for Delta Outbreak

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021 commenced 21 August 2021.

Restrictions applicable to an area in NSW is based on the LEVEL of Risk that applies to that area. There are 3 areas: **The general area**, the **stay at home area** and the **area of concern**.

General area: the whole of the State is in the general area other than an area that is a stay at home area or an area of concern

Stay at home area: Greater Sydney other than a part of Greater Sydney listed as an area of concern (until the beginning of 1 October 2021); and

Regional NSW other than a part of the regional NSW area that is an area of concern (until the beginning of 11 September 2021)

Areas of concern: LGAs of Bayside, City of Blacktown, Burwood, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool, City of Parramatta, Strathfield, and the following suburbs within the City of Penrith (Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys) - (until the beginning of 1 October 2021);

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

Directions applying to **the general area**

(A) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises (including an operator of a vehicle or vessel) in the general area must not allow more than the greater of 25 persons or the 4 sqm rule on the premises.

This **does not apply to:**

- a place of residence, holiday home or short-term rental
- an entertainment facility
- a recreation facility (major)

- a group class at a gym or a group dance class at a recreation facility (indoor)
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person and the number of persons on the premises, the following are not included:

- any person engaged in work for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

(ii) Holiday home or short-term rental

An occupier of premises in the general area must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commits an offence if there are more than 5 persons present.

(iii) Place of residence

Each adult member of a household in the general area must not allow more than **5 visitors** at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to contact arrangements between a parent and child or between children who are siblings who do not live in the same household
- there because of an emergency or for compassionate reasons or a person avoiding injury or

illness or to escape a risk of harm

- inspecting the place of residence for sale or lease or participating in an auction of the place of residence
- at the place of residence to attend a funeral, memorial or wedding service or gathering afterwards.

(iv) Entertainment facility or recreation facility (major)

The occupier of an **entertainment facility** in the general area must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** in the general area must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule of unfixed seating OR the 4sqm rule in the facility.

If an entertainment facility relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats. This is also the case for a recreation facility (major) that relies on the total of 50% of the fixed seating capacity plus the 4sqm rule calculation.

(v) Gymnasium and recreation facility (indoor)

The occupier of a gymnasium in the general area must not allow more than 20 persons to attend a group class at the gymnasium.

The occupier of a recreation facility (indoor) in the general area must not allow more than 20 persons to attend a group dance class at the facility.

(B) Fitted face coverings

A person over 12 years old in the general area must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (see **Schedule B** for information on these types of gatherings)
- working at a hospitality venue and dealing directly with members of the public.

The operator of a hospitality venue in the general area must ensure all persons working at the venue comply with this requirement.

There are a number of **exemptions** to these face covering rules:

- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. A person must carry and provide a police officer for inspection on request:
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working if the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or enunciation and visibility of the person's mouth is essential or the work is in an indoor area and no other person is present or the work is at a school
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- in a vehicle where no other person is in the vehicle except a member of the person's household or the person's nominated visitor
- in a hotel, motel or other accommodation as a guest and the person is in their room
- the person is a student at a school
- the person is in a public hospital or private health facility as a patient
- a resident in a residential aged care facility
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in the process of getting married

(C) Miscellaneous

(i) Working from home

An employer must allow an employee whose place of residence is in the general area to work at the employee's place of residence if it is reasonably practicable to do so.

(ii) Singing indoors

The occupier of premises in a general area must not allow a person to sing in an indoor area. This does **not** apply to –

- a place of residence
- an educational establishment
- a performer who is performing or rehearsing
- a person who is engaged in instruction in singing

(iii) Dancing indoors at a hospitality venue or nightclub

The occupier of premises in the general area that is a hospitality venue or a nightclub must not allow a person to dance in an indoor area. This does **not** apply to dancing at a wedding if:

- the persons dancing are members of the wedding party, and
- no more than 20 persons dance at any one time.

(iv) Consuming alcohol while seated only

The occupier of premises in the general area must not allow a person to consume alcohol in an indoor area unless the person is seated. This does **not** apply to a place of residence.

Directions applying to **stay at home areas**

(A) Staying at home

A person who has been in a stay at home area at any time while the area was identified as a stay at home area must not, without reasonable excuse be away from the person's home wherever located, or temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in a stay at home area during the previous 14 days.

If requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for a stay at home area are to/for:

- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attending a job interview or assessment for work if it is not reasonably practicable to undertake the interview or work assessment from home
- Attend childcare or pick up and drop off a person at childcare

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- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons, including:
 - -where two people are in a relationship but do not live together,
 - to accompany another person, whom the person is visiting for compassionate reasons, when the other person is undertaking exercise or outdoor recreation
 - in circumstances such as an anniversary of the death of a child or close family member, a visit to a grave. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtain food, goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA or no further than 5km from the person's home or temporary accommodation and not in an area of concern
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request

- only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted
- Exercise or outdoor recreation if:
 - undertaken within the person's LGA or in another LGA no further than 5km from the person's home or temporary accommodation
 - for a person 16 years and over, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people.
- Attending a small funeral or memorial service or gathering afterwards in the stay at home area, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the stay at home area it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend

Taking a holiday is NOT a reasonable excuse

Note: Coastal waters are part of the closest LGA.

(B) Closure of premises

(i) Premises that must not be open

The following premises in a stay at home area must not be open to members of the public:

- amusement centres
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses
- betting agencies
- markets that do not predominantly sell food
- gaming lounges
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property operated by the National Trust or the Historic Houses Trust
- sex services premises
- sex on premises venues
- strip clubs

(ii) Premises that must not be open except in limited circumstances

The following premises in a stay at home area must not be open to members of the public except as provided:

- entertainment facilities
- food and drink premises, other than cafeterias in workplaces
- information and education facilities
- micro-breweries or small distilleries holding a drink on premises authorization under the Liquor Act 2007 or cellar door premises
- places of public worship
- pubs, clubs and casinos
- recreation facilities (indoor)

These premises may be open:

- to sell food or beverages off premises or in a shopping centre outside the shopping centre
- if the premises are part of hotel or motel accommodation to provide accommodation including providing food and beverages to guests to consume in their rooms
- to hold a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- to provide educational services or childcare

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

(iii) Retail premises

All retail premises in a stay at home area must be closed to the public except:

- chemists and pharmacies
- garden centres and plant nurseries
- hardware and building supplies
- kiosks
- landscaping material supplies
- rural supplies

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retails premises can still provide "click and collect" and home delivery services.

(iv) Caravan parks and camping grounds

Caravan parks or camping grounds must not be open to the public in the stay at home area except to:

- provide accommodation to the following:
 - permanent residents of the premises,
 - overnight travelers,
 - persons working in the local area,
 - persons who have no permanent place of residence, and
- allow persons to visit a person who is staying in accommodation on the premises

A person can stay in accommodation if the person –

- was staying at the premises before the relevant date (the date the area was included as a stay at home area), and
- is still staying there under a booking made before the relevant date that has not been extended after that date.

(v) Exceptions

Nothing prevents premises in a stay at home area to be open:

- 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 people, or
- as an early education and care facility.

(C) Maximum number of persons permitted on premises

(i) Generally

The occupier of premises in a stay at home area (including an operator of a vehicle or vessel) must not allow more persons than the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence, holiday home or short-term rental
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

(ii) Holiday home or short-term rental

The occupier of premises in a stay at home area must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence for the purposes of this Order.

(iii) Place of residence

Each member of the household who is an adult must not allow a person to visit the household unless the person is an authorised visitor. A person must not visit a home in a stay at home area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes –

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency

- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives in the stay at home area but not an area of concern.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in a stay at home area to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in a stay at home area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time, or
- it is carried out in an indoor area of a home, and the work is not necessary, no more than 2 workers are in an indoor area of the place of residence at any 1 time, and no person, other than another worker, is in the same room as the worker

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or

- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

Vehicles (car pooling)

A person must not be in a vehicle in a stay at home area with another person other than someone from their household or the person's nominated visitor.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request.

None of the above car pooling restrictions apply to a vehicle being used to engage in work (such as police cars), for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

(D) Outdoor public gatherings

A person must not participate in an outdoor public gathering in a stay at home area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons carrying out work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises
- a gathering for a small funeral or memorial service, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service.

(E) Fitted face coverings

A person over the age of 12 years in a stay at home area must carry a fitted face covering unless the person is at their place of residence.

A person over the age of 12 years in a stay at home area must wear a fitted face covering (over both the nose and mouth) at all times while in settings that also apply to the general area – refer to *fitted face coverings* in the **general area**.

In addition, a person in a stay at home area must wear a fitted face covering:

- in an indoor or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service.

The operator of a hospitality venue in a stay at home area must ensure all persons working at the venue comply with these rules.

The same exceptions that apply to the wearing of face coverings in the general area apply to a stay at home area. In addition, a person is allowed to remove their face covering in a stay at home area if they are engaging in physical exercise.

(F) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in a stay at home area to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in a stay at home area must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in an education establishment, or
- the persons are singing for the purpose of instruction in singing.

(iii) Property inspections

A person must not conduct an open inspection of premises in a stay at home area for the purposes of the sale or lease of the premises in a stay at home area where people attend in person.

This does not prevent a person carrying out an inspection of premises if—

- the person has made an appointment to carry out the inspection, and

- no more than 1 person inspects the premises at any 1 time.

(iv) Auctions

A person must not conduct an auction at premises in a stay at home area at which persons attend in persons.

An auction for food supply, or livestock, fibre or crops is exempt from this direction and can continue to be open to the public for this purpose.

Directions applying to areas of concern

(A) Staying at home

A person whose place of residence is in an area of concern must not, without reasonable excuse be away from the person's home, or be away from the temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in an area of concern area during the previous 14 days.

Curfew: A person in an area of concern is not able to be away from their home between the hours of 9pm on a day and 5am on the following day other than for the purposes of work, arranging childcare, medical reasons or donating blood, providing care to others, emergencies, animal welfare and legal obligations as outlined below.

If requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

A person is **exempt** from the curfew to drive a person who lives in the same household, or a close family member, or a person who is in a relationship with the person, to or from their place of employment and their home by the most practicable direct route. A person must provide details of the place of employment of the family or household member to a police officer upon request.

Reasonable excuses for an area of concern outside curfew are to/for:

- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attending a job interview or assessment for work if it is not reasonably practicable to undertake the interview or work assessment from home

FOR INTERNAL USE ONLY

- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons, including:
 - where two people are in a relationship but do not live together,
 - to accompany another person, whom the person is visiting for compassionate reasons, when the other person is undertaking exercise in accordance with the order
 - in circumstances such as an anniversary of the death or a child or close family member, a visit to a grave. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtaining goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - the goods and services must be obtained within 5km from the person's home or temporary accommodation. If they are not reasonably available in the 5km radius, they must be obtained from another place in the area of concern, or if they are not reasonably available in the area of concern, from the closest place to the home that they are

reasonably available (for an area of concern in Greater Sydney this must be in Greater Sydney).

- a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.
- Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- Exercising, allowing a child who is 12 years or younger to play, supervising a child who is 12 years or younger who has left the residence to play no further than 5km from the person's place of residence
 - for a person 16 years or over who is exercising or taking a child to play or supervising a child playing must carry evidence of their name and address or temporary accommodation and produce it to police if requested
- A person must not be away from a person's home for more than one hour a day for exercise or supervision of a child's play
- Attending a small funeral or memorial service or gathering afterwards in the area of concern, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the area of concern it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend
- Driving a person who lives in the same household, or a close family member, to or from their place of employment and their place of residence

(B) Leaving an area of concern for work

A person who is at least 16 years of age and who lives in an area of concern must not leave the area of concern for the purposes of work unless the person is an authorised worker. The list of authorised workers can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>

From 28 August 2021, an authorised worker must not leave the area of concern for work without a permit issued by Service NSW. An authorised worker does not need a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency

- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel

From 6 September 2021, an authorised worker who is at least 16 years old must not leave the area of concern for work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contraindication certificate. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

When leaving the area of concern for work the authorised worker must carry and produce evidence of the worker's name, address and vaccination for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

This does not apply to a person who has not been in the area of concern in the last 14 days.

(C) Entering an area of concern for work

From 28 August 2021, a person must not enter an area of concern to carry out work in the area of concern without a permit issued by Service NSW. A person does not require a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel

(D) Closure of premises

(i) Premises that must not be open

Premises in an area of concern that must not be open to members of the public are the same as those that apply to premises in a stay at home area. Refer above.

(ii) Premises that must not be open except in limited circumstances

Premises in an area of concern that must not be open to members of the public except in limited circumstances are the same as those that apply to premises in a stay at home area. Refer above.

(iii) Retail premises

All retail premises in an area of concern must be closed to the public except:

- chemists and pharmacies
- kiosks
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- vehicle hire premises (but not premises where vehicles are sold)
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide "click and collect" and home delivery services.

The following premises must not be open to members of the public, but may be open to trade or business customers:

- Garden centres and plant nurseries
- Hardware and building supplies
- Landscaping material supplies
- Rural supplies
- Timber yards.

(iv) Caravan parks and camping grounds

Rules around caravan parks or camping grounds in an area of concern are the same as those caravan parks or camping grounds in a stay at home area. Refer above.

(v) Exceptions

Exceptions that apply to premises in stay at home area also apply to premises in an area of concern. Refer above.

(E) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises in an area of concern (including an operator of a vehicle or vessel) is subject to the same capacity restrictions as those premises in a stay at home area. Refer above.

(ii) Holiday home or short-term rental

The occupier of premises in an area of concern must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

(iii) Place of residence

If the place of residence of a household is in an area of concern, each member of the household who is an adult must not allow a person to visit the place of residence unless the person is an authorised visitor. A person must not visit a place of residence in an area of concern area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes -

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives within 5 km of the person.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in an area of concern to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in an area of concern area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time.

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

(vi) Vehicles (car pooling)

A person in a vehicle in an area of concern is subject to the same limitations and requirements as a person in a vehicle in a stay at home area – refer above.

(vii) Construction sites

An occupier of a construction site in an area of concern is subject to the same requirements and obligations as an occupier of a construction site in a stay at home area.

(F) Outdoor public gatherings

A person in an area of concern must not participate in an outdoor public gathering of more than **2 persons** just like in a stay at home area.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises
- a gathering for a small funeral or memorial service, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service.

(G) Fitted face coverings

A person over the age of 12 years in an area of concern must carry a fitted face covering unless the person is at their place of residence, just like in a stay at home area.

A person over the age of 12 years in an area of concern must wear a fitted face covering over the nose and mouth while the person is –

- in an indoor area or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service

The same exceptions that apply to the wearing of face coverings in a general area apply to areas of concern – refer above.

(H) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in an area of concern to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in an area of concern is subject to the same restrictions on singing indoors as an occupier of non-residential premises in a stay at home area. Refer above.

(iii) Property inspections and auctions

Property inspections in an area of concern are subject to the same restrictions as those in a stay at home area. Refer above.

(iv) Educational institutions

Classes, lectures, exams or other teaching or assessment sessions must not be conducted at an educational institution in an area of concern if students attend in person. This does not apply to a school or to an educational institution operated by NSW Health.

(v) Vaccinations – early education and care and disability support

From 6 September, a relevant care worker who is at least 16 years of age (certain workers in early education and care facilities and providing a disability service and whose place of residence or place of work is in an area of concern) must not enter or remain in the worker's place of work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contradiction certificate. The relevant care worker must, when entering the worker's place of work, carry and produce for inspection evidence of the person's name, address and vaccination if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Additional directions for Greater Sydney

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

(A) Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together
- Family contact arrangements
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care

Taking a holiday is NOT a reasonable excuse.

(B) Leaving Greater Sydney

(i) Testing of workers leaving Greater Sydney

A person who resides in Greater Sydney must not enter premises that are more than 50km outside of Greater Sydney for the purposes of work unless the person –

- has been tested for COVID-19 in the previous 7 days, and
- carries evidence of the test, and

- carries evidence showing the address of the person's place of residence.

For non-residential premises, the occupier must not allow the person to enter or remain on the premises unless the person satisfies the occupier that the person has been tested for COVID-19 within the previous 7 days.

The person must produce the evidence of the test for inspection by the occupier or the person's employer on request.

The person 16 years and older must, if requested to do so by a police officer, produce evidence of the test and evidence showing the person's address.

Exemption: an emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties (e.g. attending a urgent callout while on shift).

(ii) Permits for persons leaving Greater Sydney

A person who resides in Greater Sydney who:

- is moving either temporarily or permanently to a place of residence outside Greater Sydney, or
- goes more than 50km from Greater Sydney to carry out work, or
- is leaving Greater Sydney to inspect residential property

must not leave Greater Sydney without a permit issued by Service NSW.

The person must comply with the conditions included in the permit and must carry the permit and produce the permit for inspection if requested do so by a police officer.

A person does not need a permit to provide emergency services. Until 3:00pm on 25 August 2021, NSW Health staff, a person providing services to a local health district or a statutory health corporation, a staff member licensed under the Private Health Facilities Act 2007, a medical practitioner providing GP locum services and a member of the ADF are also exempt.

The following persons are exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency

- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel

(iii) Leaving Sydney to move between homes or to inspect property

A person who resides in Greater Sydney must not leave Greater Sydney:

- to move between places of residence of the person unless the movement:
 - is for the person's work and only the person moves to the other place of residence, or
 - is for urgent maintenance or repairs or animal welfare and only 1 person moves to the other place of residence, or
- to inspect residential property unless:
 - the person has a genuine intention to reside outside Greater Sydney as soon as practicable, and
 - the person inspects the property as a potential place of residence for the person.

(iv) Carrying evidence of name and address when leaving Greater Sydney

A person who is 16 years and older who resides in Greater Sydney and who is outside Greater Sydney must:

- carry evidence showing the address of the person's name and place of residence, and
- produce the evidence for inspection if requested to do so by a police officer.

(C) Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site's current resourcing plan (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist.

(i) Vaccination required to work on construction sites in Greater Sydney

A person whose place of residence or temporary accommodation is in an area of concern must not enter or remain on a construction site in Greater Sydney unless the person:

- has had 2 doses of a COVID-19 vaccine, or
- has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- has had 1 does of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- has a medical contraindication certificate issued to them and has been tested for COVID-19 in the 72 hours before being on site. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person's employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The 'required evidence' includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Other directions applying to all areas

(D) Answering questions from contact tracers and providing other information

A person must, if requested by an authorised contact tracer:

- answer questions or provide other information about the person's movement, and

- provide the person's contact details.

A person must provide true and accurate evidence or information to a contact tracer.

A person must also provide true and accurate evidence and information in response to a request under the order or to Service NSW.

(E) Responses to police requests about who is in COVID-19 risk premises

A '**COVID-19 risk premises**' is a residence or place at which a person diagnosed with COVID-19 or a close contact is residing.

A person who is residing or present at a COVID-19 risk premises must respond to any request made by a police officer for information about who is residing or present at the premises.

If a police officer knocks at a door of a COVID-19 risk premises, a resident is required to open the door and comply with the request of the officer. A request for information by the officer may include a request to provide the name and contact details of persons residing or present at the premises, whether at the time of the request or generally.

(F) Travelling through State

This Order does not apply to a person merely because the person:

- travels through the State in a vehicle if the person does not leave the vehicle while in the State, or
- enters the State by road and then travels through the State by the most practicable direct route, or
- enters the State by air and does not leave the airport while in the State, or
- enters the State by vessel or aircraft and then travels directly from the port or airport at which the persons arrived to leave the State by the most practicable direct route, or
- enters the State to travel to a port or airport to leave the State and then travels to the port or airport by the most practicable direct route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Schedule A: Exempted gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine or of the commercial vessel
- 11** Gathering at a school, university or other educational institution or childcare 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 St 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

Schedule B: COVID-19 safe outdoor gatherings and controlled outdoor public gatherings

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

A **COVID-19 safe outdoor gathering** is a gathering where the organiser:

- has and complies with the appropriate COVID-19 Safety Plan, and
- keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.

The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:

- the number permitted by the 4 sqm rule for the premises, or
- 5,000 persons.

These rules do not apply to:

- a gathering for which a COVID-19 Safety Plan is required (see table below)
- an exempted gathering listed in Annexure A of this Fact Sheet,
- a gathering to provide emergency assistance to a person or persons,
- an agricultural show or agricultural field day,
- a controlled outdoor public gathering.

A **controlled outdoor public gathering** is:

- held in an area that is enclosed or bounded by fencing or another form of barrier, and requires a ticket to enter, and
- all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.

The restrictions on controlled outdoor public gatherings do not apply to:

- a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
- a gathering listed in **Schedule A** (exempted gatherings)

The organiser of a controlled public gathering must:

- ensure the above requirements are met
- have and comply with the appropriate COVID-19 Safety Plan, and
- keep a copy of the COVID-19 Safety Plan and make it available for inspection.

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No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	COVID-19 safe outdoor public gatherings
12	Controlled outdoor public gatherings
13	Crematoria
14	Drive-in cinemas
15	Entertainment facilities
16	Food and drink premises (other than food courts)
17	Food courts
18	Function centres
19	Funeral homes
20	Funerals and memorial services and gatherings after funerals and memorial services
21	Information and education facilities
22	Markets

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23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
24	Nightclubs
25	Party buses
26	Places of public worship and religious services on other premises
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors
28	Properties operated by the National Trust or the Historic Houses Trust
29	Public swimming pools (excluding natural swimming pools)
30	Pubs, small bars, registered clubs and nightclubs
31	Recreation facilities (indoor)
32	Recreation facilities (major)
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
34	Sex services premises
35	Strip clubs
36	Vessels used for hosting functions or for commercial tours
37	Wedding services and gatherings after wedding services
38	Zoological parks and reptile parks

Notes on police powers

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

Powers generally

- Unless otherwise provided for in this Order, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPR. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPR, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPR allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPR if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

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TOPIC	PENALTY NOTICE	OFFENCE CODE	REG CODE	PENALTY AMOUNT
FACE COVERINGS - CHILDREN	15 years old or younger not wear/carry fitted face covering	97105	Reg Code HZZ	\$40
*Remember a child under 12 can not be infringed for face covering offences as they are exempt.	16 or 17 years old not wear/carry fitted face covering	97104	Reg Code PUW	\$80
FACE COVERINGS - ADULT	Not wear fitted face covering in retail/business premises	96587	Reg Code YLL	\$500
	Not wear fitted face covering in licensed gaming area	96588	Reg Code EIJ	\$500
	Not wear fitted face covering in entertainment facility	96589	Reg Code QLU	\$500
	Not wear fitted face covering in place of public worship etc	96590	Reg Code CRL	\$500
	Not wear fitted face covering residential aged care facility	96591	Reg Code OXS	\$500
	Not wear fitted face covering public transport waiting area	96592	Reg Code FIQ	\$500
	Not wear fitted face covering in public transport/taxi etc	96593	Reg Code XFT	\$500
	Not wear fitted face covering - hospitality venue worker	96594	Reg Code SBR	\$500
	Operator not ensure hospitality workers wear fitted face coverings - individual	96595	Reg Code WAN	\$1,000
>> Corporation Only >>	Operator not ensure hospitality workers wear fitted face coverings - corporation	896595	Reg Code EJO	\$5,000
	Not wear face covering in indoor area of non-residential premises	96953	Reg Code OPI	\$500
	Not wear fitted face covering in prescribed outdoor gathering	96954	Reg Code HSY	\$500
	Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001	Reg Code MME	\$500
	Fail to comply with any other wear face covering directive – individual	96960	Reg Code GYJ	\$500
Outdoor Gatherings	Not comply with outdoor public gatherings direction (stay at home area)	97721	Reg Code VKB	\$3,000
	Not comply with outdoor public gatherings direction (area of concern)	97722	Reg Code BFO	\$3,000

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Curfew (9pm-5am) Area of concern	Not comply with curfew – area of concern – individual	97729	Reg Code UGR	\$1,000
>> Corporation Only >>	Not comply with curfew – area of concern - corporation	897729	Reg Code NHU	\$5,000
Contact Tracer and Service NSW Requirements	Fail to answer questions from contact tracers and provide details as prescribed	97723	Reg Code XAM	\$5,000
	Not ensure true and accurate information provided to authorised contact tracer	97725	Reg Code AQN	\$5,000
	Not ensure true and accurate information provided to Service NSW	97724	Reg Code CCU	\$5,000
Working from Home	Employer fail to require employee to work from home (stay at home area) – Individual	97711	Reg Code TTA	\$2,000
	Employer fail to require employee to work from home (area of concern) – Individual	97712	Reg Code HSU	\$2,000
>> Corporation Only >>	Employer fail to require employee to work from home (stay at home area) – Corporation	897711	Reg Code KKV	\$10,000
>> Corporation Only >>	Employer fail to require employee to work from home (area of concern) – Corporation	897712	Reg Code IXQ	\$10,000
Construction Sites	Enter/remain on construction site not vaccinated/tested as prescribed – individual	97246	Reg Code EUG	\$2,000
>> Corporation Only >>	Enter/remain on construction site not vaccinated/tested as prescribed – corporation	897246	Reg Code TFF	\$10,000
	Occupier of construction site permit unlawful entry etc – individual	97248	Reg Code PXP	\$2,000
>> Corporation Only >>	Occupier of construction site permit unlawful entry etc – corporation	897248	Reg Code TKY	\$10,000
	Enter/remain on construction site not have/produce prescribed evidence – individual	97247	Reg Code XXT	\$2,000
>> Corporation Only >>	Enter/remain on construction site not have/produce prescribed evidence – corporation	897247	Reg Code FZH	\$10,000
Testing Workers	Not comply with requirements for testing workers leaving Greater Sydney	97715	Reg Code CKZ	\$3,000
Leave Greater Sydney	Leave Greater Sydney for prescribed purposes without permit	97716	Reg Code KAA	\$3,000

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	Leave Greater Sydney to unlawfully move between homes or inspect property	97717	Reg Code LFJ	\$3,000
	Person 16 years and over not carry identification evidence outside Greater Sydney	97718	Reg Code FFW	\$3,000
	Person 16 years and over not carry permit outside Greater Sydney	97719	Reg Code PJO	\$3,000
	Person relying on permit not comply with permit conditions	97720	Reg Code HUK	\$3,000
Any Other Breach Not Listed	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order by an Individual)	95638	Reg Code ZZE	\$1,000
>> Corporation Only >>	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – CORPORATION (this is the offence for any other breach of this Order by a Corporation)	895638	Reg Code YUW	\$5,000

COURT ATTENDANCE NOTICE	LAW PART CODE	PENALTY
15 years old or younger not wear/carry fitted face covering	97105	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
16 or 17 years old not wear/carry fitted face covering	97104	
Not wear fitted face covering in retail/business premises	96587	

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Not wear fitted face covering in licensed gaming area	96588		
Not wear fitted face covering in entertainment facility	96589		
Not wear fitted face covering in place of public worship etc	96590		
Not wear fitted face covering residential aged care facility	96591		
Not wear fitted face covering public transport waiting area	96592		
Not wear fitted face covering in public transport/taxi etc	96593		
Not wear fitted face covering - hospitality venue worker	96594		
Operator not ensure hospitality workers wear fitted face coverings - individual or corporation	96595		
Not wear face covering in indoor area of non-residential premises	96953		
Not wear fitted face covering in prescribed outdoor gathering	96954		
Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001		
Fail to comply with any other wear face covering directive – individual or corporation	96960		
Not comply with outdoor public gatherings direction (stay at home area)	97721		
Not comply with outdoor public gatherings direction (area of concern)	97722		

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Not comply with curfew – area of concern – individual or corporation	97729		
Fail to answer questions from contact tracers and provide details as prescribed	97723		
Not ensure true and accurate information provided to authorized contact tracer	97725		
Not ensure true and accurate information provided to Service NSW	97724		
Employer fail to require employee to work from home (stay at home area) – individual or corporation	97711		
Employer fail to require employee to work from home (area of concern) – individual or corporation	97712		
Enter/remain on construction site not vaccinated/tested as prescribed – individual or corporation	97246		
Enter/remain on construction site not have/produce prescribed evidence – individual or corporation	97247		
Occupier of construction site permit unlawful entry etc – individual or corporation	97248		
Not comply with requirements testing workers leaving Greater Sydney	97715		
Leave Greater Sydney for prescribed purposes without permit	97716		

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Leave Greater Sydney to unlawfully move between homes or inspect property	97717		
Person 16 years and over not carry identification evidence outside Greater Sydney	97718		
Person 16 years and over not carry permit outside Greater Sydney	97719		
Person relying on permit not comply with permit conditions	97720		
95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual or corporation	95638		

Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021

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Additional Restrictions for Delta Outbreak

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021 commenced 21 August 2021.

Restrictions applicable to an area in NSW is based on the LEVEL of Risk that applies to that area. There are 3 areas: **The general area**, the **stay at home area** and the **area of concern**.

General area: the whole of the State is in the general area other than an area that is a stay at home area or an area of concern

Stay at home area: Greater Sydney other than a part of Greater Sydney listed as an area of concern (until the beginning of 1 October 2021); and

Regional NSW other than a part of the regional NSW area that is an area of concern (until the beginning of 11 September 2021)

Areas of concern: LGAs of Bayside, City of Blacktown, Burwood, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool, City of Parramatta, Strathfield, and the following suburbs within the City of Penrith (Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys) - (until the beginning of 1 October 2021);

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

Directions applying to **the general area**

(A) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises (including an operator of a vehicle or vessel) in the general area must not allow more than the greater of 25 persons or the 4 sqm rule on the premises.

This **does not apply to:**

- a place of residence, holiday home or short-term rental
- an entertainment facility
- a recreation facility (major)

- a group class at a gym or a group dance class at a recreation facility (indoor)
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person and the number of persons on the premises, the following are not included:

- any person engaged in work for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

(ii) Holiday home or short-term rental

An occupier of premises in the general area must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commits an offence if there are more than 5 persons present.

(iii) Place of residence

Each adult member of a household in the general area must not allow more than **5 visitors** at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to contact arrangements between a parent and child or between children who are siblings who do not live in the same household
- there because of an emergency or for compassionate reasons or a person avoiding injury or

illness or to escape a risk of harm

- inspecting the place of residence for sale or lease or participating in an auction of the place of residence
- at the place of residence to attend a funeral, memorial or wedding service or gathering afterwards.

(iv) Entertainment facility or recreation facility (major)

The occupier of an **entertainment facility** in the general area must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** in the general area must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule of unfixed seating OR the 4sqm rule in the facility.

If an entertainment facility relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats. This is also the case for a recreation facility (major) that relies on the total of 50% of the fixed seating capacity plus the 4sqm rule calculation.

(v) Gymnasium and recreation facility (indoor)

The occupier of a gymnasium in the general area must not allow more than 20 persons to attend a group class at the gymnasium.

The occupier of a recreation facility (indoor) in the general area must not allow more than 20 persons to attend a group dance class at the facility.

(B) Fitted face coverings

A person over 12 years old in the general area must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (see **Schedule B** for information on these types of gatherings)
- working at a hospitality venue and dealing directly with members of the public.

The operator of a hospitality venue in the general area must ensure all persons working at the venue comply with this requirement.

There are a number of **exemptions** to these face covering rules:

- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. A person must carry and provide a police officer for inspection on request:
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working if the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or enunciation and visibility of the person's mouth is essential or the work is in an indoor area and no other person is present or the work is at a school
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- in a vehicle where no other person is in the vehicle except a member of the person's household or the person's nominated visitor
- in a hotel, motel or other accommodation as a guest and the person is in their room
- the person is a student at a school
- the person is in a public hospital or private health facility as a patient
- a resident in a residential aged care facility
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in the process of getting married

(C) Miscellaneous

(i) Working from home

An employer must allow an employee whose place of residence is in the general area to work at the employee's place of residence if it is reasonably practicable to do so.

(ii) Singing indoors

The occupier of premises in a general area must not allow a person to sing in an indoor area. This does **not** apply to –

- a place of residence
- an educational establishment
- a performer who is performing or rehearsing
- a person who is engaged in instruction in singing

(iii) Dancing indoors at a hospitality venue or nightclub

The occupier of premises in the general area that is a hospitality venue or a nightclub must not allow a person to dance in an indoor area. This does **not** apply to dancing at a wedding if:

- the persons dancing are members of the wedding party, and
- no more than 20 persons dance at any one time.

(iv) Consuming alcohol while seated only

The occupier of premises in the general area must not allow a person to consume alcohol in an indoor area unless the person is seated. This does **not** apply to a place of residence.

Directions applying to **stay at home areas**

(A) Staying at home

A person who has been in a stay at home area at any time while the area was identified as a stay at home area must not, without reasonable excuse be away from the person's home wherever located, or temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in a stay at home area during the previous 14 days.

If requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for a stay at home area are to/for:

- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attending a job interview or assessment for work if it is not reasonably practicable to undertake the interview or work assessment from home
- Attend childcare or pick up and drop off a person at childcare

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- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons, including:
 - -where two people are in a relationship but do not live together,
 - to accompany another person, whom the person is visiting for compassionate reasons, when the other person is undertaking exercise or outdoor recreation
 - in circumstances such as an anniversary of the death of a child or close family member, a visit to a grave. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtain food, goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA or no further than 5km from the person's home or temporary accommodation and not in an area of concern
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request

- only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted
- Exercise or outdoor recreation if:
 - undertaken within the person's LGA or in another LGA no further than 5km from the person's home or temporary accommodation
 - for a person 16 years and over, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people.
- Attending a small funeral or memorial service or gathering afterwards in the stay at home area, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the stay at home area it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend

Taking a holiday is NOT a reasonable excuse

Note: Coastal waters are part of the closest LGA.

(B) Closure of premises

(i) Premises that must not be open

The following premises in a stay at home area must not be open to members of the public:

- amusement centres
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses
- betting agencies
- markets that do not predominantly sell food
- gaming lounges
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property operated by the National Trust or the Historic Houses Trust
- sex services premises
- sex on premises venues
- strip clubs

(ii) Premises that must not be open except in limited circumstances

The following premises in a stay at home area must not be open to members of the public except as provided:

- entertainment facilities
- food and drink premises, other than cafeterias in workplaces
- information and education facilities
- micro-breweries or small distilleries holding a drink on premises authorization under the Liquor Act 2007 or cellar door premises
- places of public worship
- pubs, clubs and casinos
- recreation facilities (indoor)

These premises may be open:

- to sell food or beverages off premises or in a shopping centre outside the shopping centre
- if the premises are part of hotel or motel accommodation to provide accommodation including providing food and beverages to guests to consume in their rooms
- to hold a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- to provide educational services or childcare

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

(iii) Retail premises

All retail premises in a stay at home area must be closed to the public except:

- chemists and pharmacies
- garden centres and plant nurseries
- hardware and building supplies
- kiosks
- landscaping material supplies
- rural supplies

- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retails premises can still provide "click and collect" and home delivery services.

(iv) Caravan parks and camping grounds

Caravan parks or camping grounds must not be open to the public in the stay at home area except to:

- provide accommodation to the following:
 - permanent residents of the premises,
 - overnight travelers,
 - persons working in the local area,
 - persons who have no permanent place of residence, and
- allow persons to visit a person who is staying in accommodation on the premises

A person can stay in accommodation if the person –

- was staying at the premises before the relevant date (the date the area was included as a stay at home area), and
- is still staying there under a booking made before the relevant date that has not been extended after that date.

A person can also stay in caravan park or camping ground accommodation if the person's place of residence is outside NSW, and the person is unable to return to their residence because of the closure of state borders and/or restrictions on returning travellers.

(v) Exceptions

Nothing prevents premises in a stay at home area to be open:

- 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 people, or
- as an early education and care facility.

(C) Maximum number of persons permitted on premises

(i) Generally

The occupier of premises in a stay at home area (including an operator of a vehicle or vessel) must not allow more persons than the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence, holiday home or short-term rental
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

(ii) Holiday home or short-term rental

The occupier of premises in a stay at home area must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence for the purposes of this Order.

(iii) Place of residence

Each member of the household who is an adult must not allow a person to visit the household unless the person is an authorised visitor. A person must not visit a home in a stay at home area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes –

- for childcare
- for family contact arrangements

- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives in the stay at home area but not an area of concern.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in a stay at home area to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in a stay at home area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time, or
- it is carried out in an indoor area of a home, and the work is not necessary, no more than 2 workers are in an indoor area of the place of residence at any 1 time, and no person, other than another worker, is in the same room as the worker

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

Vehicles (car pooling)

A person must not be in a vehicle in a stay at home area with another person other than someone from their household or the person's nominated visitor.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request.

None of the above car pooling restrictions apply to a vehicle being used to engage in work (such as police cars), for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

None of the above car pooling restrictions apply to vehicles arranged by an employer to transport staff between their home and work, where that vehicle has a Service NSW QR code and either openable windows or a ventilation system set to circulate air from outside the vehicle. This exemption is subject to the condition that each person in the vehicle:

- resides in a regional NSW area; and
- has not been in Greater Sydney in the previous 14 days; and
- has had at least 1 dose of a COVID-19 vaccine, or is booked to have at least 1 dose on or before 10 September 2021; and
- is wearing a fitted face covering at all times while in the vehicle; and
- takes reasonably practicable steps to ensure that the vehicle's windows are down; and
- has registered their contact details when entering the vehicle, either through registering on the Service NSW app using their own phone, having another person register them through the Service NSW app, or (if they are not able to register with the Service NSW app) by providing their details to the vehicle driver.

(D) Outdoor public gatherings

A person must not participate in an outdoor public gathering in a stay at home area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons carrying out work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises
- a gathering for a small funeral or memorial service, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service.

(E) Fitted face coverings

A person over the age of 12 years in a stay at home area must carry a fitted face covering unless the person is at their place of residence.

A person over the age of 12 years in a stay at home area must wear a fitted face covering (over both the nose and mouth) at all times while in settings that also apply to the general area – refer to *fitted face coverings* in the **general area**.

In addition, a person in a stay at home area must wear a fitted face covering:

- in an indoor or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service.

The operator of a hospitality venue in a stay at home area must ensure all persons working at the venue comply with these rules.

The same exceptions that apply to the wearing of face coverings in the general area apply to a stay at home area. In addition, a person is allowed to remove their face covering in a stay at home area if they are engaging in physical exercise.

(F) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in a stay at home area to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in a stay at home area must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in an education establishment, or
- the persons are singing for the purpose of instruction in singing.

(iii) Property inspections

A person must not conduct an open inspection of premises in a stay at home area for the purposes of the sale or lease of the premises in a stay at home area where people attend in person.

This does not prevent a person carrying out an inspection of premises if—

- the person has made an appointment to carry out the inspection, and
- no more than 1 person inspects the premises at any 1 time.

(iv) Auctions

A person must not conduct an auction at premises in a stay at home area at which persons attend in persons.

An auction for food supply, or livestock, fibre or crops is exempt from this direction and can continue to be open to the public for this purpose.

Directions applying to **areas of concern**

(A) Staying at home

A person whose place of residence is in an area of concern must not, without reasonable excuse be away from the person's home, or be away from the temporary accommodation wherever located.

FOR INTERNAL USE ONLY

This does not apply to a person who is homeless or a person who has not been in an area of concern area during the previous 14 days.

Curfew: A person in an area of concern is not able to be away from their home between the hours of 9pm on a day and 5am on the following day other than for the purposes of work, arranging childcare, medical reasons or donating blood, providing care to others, emergencies, animal welfare and legal obligations as outlined below.

If requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

A person is **exempt** from the curfew to drive a person who lives in the same household, or a close family member, or a person who is in a relationship with the person, to or from their place of employment and their home by the most practicable direct route. A person must provide details of the place of employment of the family or household member to a police officer upon request.

Reasonable excuses for an area of concern outside curfew are to/for:

- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attending a job interview or assessment for work if it is not reasonably practicable to undertake the interview or work assessment from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons, including:
 - where two people are in a relationship but do not live together,
 - to accompany another person, whom the person is visiting for compassionate reasons, when the other person is undertaking exercise in accordance with the order
 - in circumstances such as an anniversary of the death of a child or close family member, a visit to a grave. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation

FOR INTERNAL USE ONLY

- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtaining goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - the goods and services must be obtained within 5km from the person's home or temporary accommodation. If they are not reasonably available in the 5km radius, they must be obtained from another place in the area of concern, or if they are not reasonably available in the area of concern, from the closest place to the home that they are reasonably available (for an area of concern in Greater Sydney this must be in Greater Sydney).
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.
 - Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- Exercising, allowing a child who is 12 years or younger to play, supervising a child who is 12 years or younger who has left the residence to play no further than 5km from the person's place of residence
 - for a person 16 years or over who is exercising or taking a child to play or supervising a child playing must carry evidence of their name and address or temporary accommodation and produce it to police if requested
- A person must not be away from a person's home for more than one hour a day for exercise or supervision of a child's play
- Attending a small funeral or memorial service or gathering afterwards in the area of concern, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside

the area of concern it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend

- Driving a person who lives in the same household, or a close family member, to or from their place of employment and their place of residence

(B) Leaving an area of concern for work

A person who is at least 16 years of age and who lives in an area of concern must not leave the area of concern for the purposes of work unless the person is an authorised worker. The list of authorised workers can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>

An authorised worker must not leave the area of concern for work without a permit issued by Service NSW. An authorised worker does not need a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel
- A person engaged by the ADF to undertake work on ADF infrastructure and vessels and must provide a letter or other document from the ADF indicating that the person is providing services to the ADF on request of a police officer.

From 6 September 2021, an authorised worker who is at least 16 years old must not leave the area of concern for work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contraindication certificate. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

When leaving the area of concern for work the authorised worker must carry and produce evidence of the worker's name, address and vaccination for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

This does not apply to a person who has not been in the area of concern in the last 14 days.

(C) Entering an area of concern for work

A person must not enter an area of concern to carry out work in the area of concern without a permit issued by Service NSW. A person does not require a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel
- A person engaged by the ADF to undertake work on ADF infrastructure and vessels and must provide a letter or other document from the ADF indicating that the person is providing services to the ADF on request of a police officer.

(D) Closure of premises

(i) Premises that must not be open

Premises in an area of concern that must not be open to members of the public are the same as those that apply to premises in a stay at home area. Refer above.

(ii) Premises that must not be open except in limited circumstances

Premises in an area of concern that must not be open to members of the public except in limited circumstances are the same as those that apply to premises in a stay at home area. Refer above.

(iii) Retail premises

All retail premises in an area of concern must be closed to the public except:

- chemists and pharmacies

- kiosks
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- vehicle hire premises (but not premises where vehicles are sold)
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retails premises can still provide “click and collect” and home delivery services.

The following premises must not be open to members of the public, but may be open to trade or business customers:

- Garden centres and plant nurseries
- Hardware and building supplies
- Landscaping material supplies
- Rural supplies
- Timber yards.

(iv) Caravan parks and camping grounds

Rules around caravan parks or camping grounds in an area of concern are the same as those caravan parks or camping grounds in a stay at home area. Refer above.

(v) Exceptions

Exceptions that apply to premises in stay at home area also apply to premises in an area of concern. Refer above.

(E) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises in an area of concern (including an operator of a vehicle or vessel) is subject to the same capacity restrictions as those premises in a stay at home area. Refer above.

(ii) Holiday home or short-term rental

The occupier of premises in an area of concern must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

(iii) Place of residence

If the place of residence of a household is in an area of concern, each member of the household who is an adult must not allow a person to visit the place of residence unless the person is an authorised visitor. A person must not visit a place of residence in an area of concern area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes -

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives within 5 km of the person.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in an area of concern to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in an area of concern area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time.

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

(vi) Vehicles (car pooling)

A person in a vehicle in an area of concern is subject to the same limitations and requirements as a person in a vehicle in a stay at home area – refer above.

(vii) Construction sites

An occupier of a construction site in an area of concern is subject to the same requirements and obligations as an occupier of a construction site in a stay at home area.

(F) Outdoor public gatherings

A person in an area of concern must not participate in an outdoor public gathering of more than **2 persons** just like in a stay at home area.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises
- a gathering for a small funeral or memorial service, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service.

(G) Fitted face coverings

A person over the age of 12 years in an area of concern must carry a fitted face covering unless the person is at their place of residence, just like in a stay at home area.

A person over the age of 12 years in an area of concern must wear a fitted face covering over the nose and mouth while the person is –

- in an indoor area or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service

The same exceptions that apply to the wearing of face coverings in a general area apply to areas of concern – refer above.

(H) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in an area of concern to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in an area of concern is subject to the same restrictions on singing indoors as an occupier of non-residential premises in a stay at home area. Refer above.

(iii) Property inspections and auctions

Property inspections in an area of concern are subject to the same restrictions as those in a stay at home area. Refer above.

(iv) Educational institutions

Classes, lectures, exams or other teaching or assessment sessions must not be conducted at an educational institution in an area of concern if students attend in person. This does not apply to a school or to an educational institution operated by NSW Health.

(v) Vaccinations – early education and care and disability support

From 6 September, a relevant care worker who is at least 16 years of age (certain workers in early education and care facilities and providing a disability service and whose place of residence or place of work is in an area of concern) must not enter or remain in the worker's place of work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contradiction certificate. The relevant care worker must, when entering the worker's place of work, carry and produce for inspection evidence of the person's name, address and vaccination if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Additional directions for Greater Sydney

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

(A) Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare

- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together
- Family contact arrangements
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care

Taking a holiday is NOT a reasonable excuse.

(B) Leaving Greater Sydney

(i) Testing of workers leaving Greater Sydney

A person who resides in Greater Sydney must not enter premises that are more than 50km outside of Greater Sydney for the purposes of work unless the person –

- has been tested for COVID-19 in the previous 7 days, and
- carries evidence of the test, and
- carries evidence showing the address of the person's place of residence.

For non-residential premises, the occupier must not allow the person to enter or remain on the premises unless the person satisfies the occupier that the person has been tested for COVID-19 within the previous 7 days.

The person must produce the evidence of the test for inspection by the occupier or the person's employer on request.

The person 16 years and older must, if requested to do so by a police officer, produce evidence of the test and evidence showing the person's address.

Exemption: an emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties (e.g. attending a urgent callout while on shift).

(ii) Permits for persons leaving Greater Sydney

A person who resides in Greater Sydney who:

- is moving either temporarily or permanently to a place of residence outside Greater Sydney, or
- goes more than 50km from Greater Sydney to carry out work, or
- is leaving Greater Sydney to inspect residential property

must not leave Greater Sydney without a permit issued by Service NSW.

The person must comply with the conditions included in the permit and must carry the permit and produce the permit for inspection if requested do so by a police officer.

A person does not need a permit to provide emergency services. Until 3:00pm on 25 August 2021, NSW Health staff, a person providing services to a local health district or a statutory health corporation, a staff member licensed under the Private Health Facilities Act 2007, a medical practitioner providing GP locum services and a member of the ADF are also exempt.

The following persons are exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel
- A person engaged by the ADF to undertake work on ADF infrastructure and vessels and must provide a letter or other document from the ADF indicating that the person is providing services to the ADF on request of a police officer.

(iii) Leaving Sydney to move between homes or to inspect property

A person who resides in Greater Sydney must not leave Greater Sydney:

- to move between places of residence of the person unless the movement:
 - is for the person's work and only the person moves to the other place of residence, or
 - is for urgent maintenance or repairs or animal welfare and only 1 person moves to the other place of residence, or
- to inspect residential property unless:
 - the person has a genuine intention to reside outside Greater Sydney as soon as practicable, and
 - the person inspects the property as a potential place of residence for the person.

(iv) Carrying evidence of name and address when leaving Greater Sydney

A person who is 16 years and older who resides in Greater Sydney and who is outside Greater Sydney must:

- carry evidence showing the address of the person's name and place of residence, and
- produce the evidence for inspection if requested to do so by a police officer.

(C) Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site's current resourcing plan (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist.

(i) Vaccination required to work on construction sites in Greater Sydney

A person whose place of residence or temporary accommodation is in an area of concern must not enter or remain on a construction site in Greater Sydney unless the person:

- has had 2 doses of a COVID-19 vaccine, or
- has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- has had 1 dose of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- has a medical contraindication certificate issued to them and has been tested for COVID-19 in the 72 hours before being on site. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person's employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The 'required evidence' includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Other directions applying to all areas

(D) Answering questions from contact tracers and providing other information

A person must, if requested by an authorised contact tracer:

- answer questions or provide other information about the person's movement, and
- provide the person's contact details.

A person must provide true and accurate evidence or information to a contact tracer.

A person must also provide true and accurate evidence and information in response to a request under the order or to Service NSW.

(E) Responses to police requests about who is in COVID-19 risk premises

A '**COVID-19 risk premises**' is a residence or place at which a person diagnosed with COVID-19 or a close contact is residing.

A person who is residing or present at a COVID-19 risk premises must respond to any request made by a police officer for information about who is residing or present at the premises.

If a police officer knocks at a door of a COVID-19 risk premises, a resident is required to open the door and comply with the request of the officer. A request for information by the officer may include a request to provide the name and contact details of persons residing or present at the premises, whether at the time of the request or generally.

(F) Travelling through State

This Order does not apply to a person merely because the person:

- travels through the State in a vehicle if the person does not leave the vehicle while in the State, or
- enters the State by road and then travels through the State by the most practicable direct route, or
- enters the State by air and does not leave the airport while in the State, or
- enters the State by vessel or aircraft and then travels directly from the port or airport at which the persons arrived to leave the State by the most practicable direct route, or
- enters the State to travel to a port or airport to leave the State and then travels to the port or airport by the most practicable direct route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Schedule A: Exempted gatherings

- 1 Gathering at an airport that is necessary for the normal operation of the airport

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- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine or of the commercial vessel
- 11** Gathering at a school, university or other educational institution or childcare 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 St 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

Schedule B: COVID-19 safe outdoor gatherings and controlled outdoor public gatherings

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

A ***COVID-19 safe outdoor gathering*** is a gathering where the organiser:

- has and complies with the appropriate COVID-19 Safety Plan, and
- keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.

The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:

- the number permitted by the 4 sqm rule for the premises, or
- 5,000 persons.

These rules do not apply to:

- a gathering for which a COVID-19 Safety Plan is required (see table below)
- an exempted gathering listed in Annexure A of this Fact Sheet,
- a gathering to provide emergency assistance to a person or persons,
- an agricultural show or agricultural field day,
- a controlled outdoor public gathering.

A ***controlled outdoor public gathering*** is:

- held in an area that is enclosed or bounded by fencing or another form of barrier, and requires a ticket to enter, and

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- all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.

The restrictions on controlled outdoor public gatherings do not apply to:

- a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
- a gathering listed in **Schedule A** (exempted gatherings)

The organiser of a controlled public gathering must:

- ensure the above requirements are met
- have and comply with the appropriate COVID-19 Safety Plan, and
- keep a copy of the COVID-19 Safety Plan and make it available for inspection.

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No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	Construction sites in Greater Sydney
12	COVID-19 safe outdoor public gatherings
13	Controlled outdoor public gatherings
14	Crematoria
15	Drive-in cinemas
16	Entertainment facilities
17	Food and drink premises (other than food courts)
18	Food courts
19	Function centres
20	Funeral homes
21	Funerals and memorial services and gatherings after funerals and memorial services
22	Information and education facilities
23	Large residential gatherings

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24	Markets
25	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
26	Nightclubs
27	Party buses
28	Places of public worship and religious services on other premises
29	Places of residence, holiday homes and short-term rentals with more than 100 visitors
30	Properties operated by the National Trust or the Historic Houses Trust
31	Public swimming pools (excluding natural swimming pools)
32	Pubs, small bars, registered clubs and nightclubs
33	Recreation facilities (indoor)
34	Recreation facilities (major)
35	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
36	Sex services premises
37	Short-term rental or tourist and visitor accommodation on Lord Howe Island
38	Strip clubs
39	Vessels used for hosting functions or for commercial tours
40	Wedding services and gatherings after wedding services
41	Zoological parks and reptile parks

Notes on police powers

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

Powers generally

- Unless otherwise provided for in this Order, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPR. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPR, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPR allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPR if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

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TOPIC	PENALTY NOTICE	OFFENCE CODE	REG CODE	PENALTY AMOUNT
FACE COVERINGS - CHILDREN	15 years old or younger not wear/carry fitted face covering	97105	Reg Code HZZ	\$40
*Remember a child under 12 can not be infringed for face covering offences as they are exempt.	16 or 17 years old not wear/carry fitted face covering	97104	Reg Code PUW	\$80
FACE COVERINGS - ADULT	Not wear fitted face covering in retail/business premises	96587	Reg Code YLL	\$500
	Not wear fitted face covering in licensed gaming area	96588	Reg Code EIJ	\$500
	Not wear fitted face covering in entertainment facility	96589	Reg Code QLU	\$500
	Not wear fitted face covering in place of public worship etc	96590	Reg Code CRL	\$500
	Not wear fitted face covering residential aged care facility	96591	Reg Code OXS	\$500
	Not wear fitted face covering public transport waiting area	96592	Reg Code FIQ	\$500
	Not wear fitted face covering in public transport/taxi etc	96593	Reg Code XFT	\$500
	Not wear fitted face covering - hospitality venue worker	96594	Reg Code SBR	\$500
	Operator not ensure hospitality workers wear fitted face coverings - individual	96595	Reg Code WAN	\$1,000
>> Corporation Only >>	Operator not ensure hospitality workers wear fitted face coverings - corporation	896595	Reg Code EJO	\$5,000
	Not wear face covering in indoor area of non-residential premises	96953	Reg Code OPI	\$500
	Not wear fitted face covering in prescribed outdoor gathering	96954	Reg Code HSY	\$500
	Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001	Reg Code MME	\$500
	Fail to comply with any other wear face covering directive – individual	96960	Reg Code GYJ	\$500
Outdoor Gatherings	Not comply with outdoor public gatherings direction (stay at home area)	97721	Reg Code VKB	\$3,000
	Not comply with outdoor public gatherings direction (area of concern)	97722	Reg Code BFO	\$3,000

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Curfew (9pm-5am) Area of concern	Not comply with curfew – area of concern – individual	97729	Reg Code UGR	\$1,000
>> Corporation Only >>	Not comply with curfew – area of concern - corporation	897729	Reg Code NHU	\$5,000
Contact Tracer and Service NSW Requirements	Fail to answer questions from contact tracers and provide details as prescribed	97723	Reg Code XAM	\$5,000
	Not ensure true and accurate information provided to authorised contact tracer	97725	Reg Code AQN	\$5,000
	Not ensure true and accurate information provided to Service NSW	97724	Reg Code CCU	\$5,000
Working from Home	Employer fail to require employee to work from home (stay at home area) – Individual	97711	Reg Code TTA	\$2,000
	Employer fail to require employee to work from home (area of concern) – Individual	97712	Reg Code HSU	\$2,000
>> Corporation Only >>	Employer fail to require employee to work from home (stay at home area) – Corporation	897711	Reg Code KKV	\$10,000
>> Corporation Only >>	Employer fail to require employee to work from home (area of concern) – Corporation	897712	Reg Code IXQ	\$10,000
Construction Sites	Enter/remain on construction site not vaccinated/tested as prescribed – individual	97246	Reg Code EUG	\$2,000
>> Corporation Only >>	Enter/remain on construction site not vaccinated/tested as prescribed – corporation	897246	Reg Code TFF	\$10,000
	Occupier of construction site permit unlawful entry etc – individual	97248	Reg Code PXP	\$2,000
>> Corporation Only >>	Occupier of construction site permit unlawful entry etc – corporation	897248	Reg Code TKY	\$10,000
	Enter/remain on construction site not have/produce prescribed evidence – individual	97247	Reg Code XXT	\$2,000
>> Corporation Only >>	Enter/remain on construction site not have/produce prescribed evidence – corporation	897247	Reg Code FZH	\$10,000
Testing Workers	Not comply with requirements for testing workers leaving Greater Sydney	97715	Reg Code CKZ	\$3,000
Leave Greater Sydney	Leave Greater Sydney for prescribed purposes without permit	97716	Reg Code KAA	\$3,000

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	Leave Greater Sydney to unlawfully move between homes or inspect property	97717	Reg Code LFJ	\$3,000
	Person 16 years and over not carry identification evidence outside Greater Sydney	97718	Reg Code FFW	\$3,000
	Person 16 years and over not carry permit outside Greater Sydney	97719	Reg Code PJO	\$3,000
	Person relying on permit not comply with permit conditions	97720	Reg Code HUK	\$3,000
Any Other Breach Not Listed	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order by an Individual)	95638	Reg Code ZZE	\$1,000
>> Corporation Only >>	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – CORPORATION (this is the offence for any other breach of this Order by a Corporation)	895638	Reg Code YUW	\$5,000

COURT ATTENDANCE NOTICE	LAW PART CODE	PENALTY
15 years old or younger not wear/carry fitted face covering	97105	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
16 or 17 years old not wear/carry fitted face covering	97104	
Not wear fitted face covering in retail/business premises	96587	

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Not wear fitted face covering in licensed gaming area	96588		
Not wear fitted face covering in entertainment facility	96589		
Not wear fitted face covering in place of public worship etc	96590		
Not wear fitted face covering residential aged care facility	96591		
Not wear fitted face covering public transport waiting area	96592		
Not wear fitted face covering in public transport/taxi etc	96593		
Not wear fitted face covering - hospitality venue worker	96594		
Operator not ensure hospitality workers wear fitted face coverings - individual or corporation	96595		
Not wear face covering in indoor area of non-residential premises	96953		
Not wear fitted face covering in prescribed outdoor gathering	96954		
Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001		
Fail to comply with any other wear face covering directive – individual or corporation	96960		
Not comply with outdoor public gatherings direction (stay at home area)	97721		
Not comply with outdoor public gatherings direction (area of concern)	97722		

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Not comply with curfew – area of concern – individual or corporation	97729		
Fail to answer questions from contact tracers and provide details as prescribed	97723		
Not ensure true and accurate information provided to authorized contact tracer	97725		
Not ensure true and accurate information provided to Service NSW	97724		
Employer fail to require employee to work from home (stay at home area) – individual or corporation	97711		
Employer fail to require employee to work from home (area of concern) – individual or corporation	97712		
Enter/remain on construction site not vaccinated/tested as prescribed – individual or corporation	97246		
Enter/remain on construction site not have/produce prescribed evidence – individual or corporation	97247		
Occupier of construction site permit unlawful entry etc – individual or corporation	97248		
Not comply with requirements testing workers leaving Greater Sydney	97715		
Leave Greater Sydney for prescribed purposes without permit	97716		

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Leave Greater Sydney to unlawfully move between homes or inspect property	97717		
Person 16 years and over not carry identification evidence outside Greater Sydney	97718		
Person 16 years and over not carry permit outside Greater Sydney	97719		
Person relying on permit not comply with permit conditions	97720		
95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual or corporation	95638		

Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021

FACT SHEET 36

Additional Restrictions for Delta Outbreak

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021 commenced 21 August 2021.

Restrictions applicable to an area in NSW is based on the LEVEL of Risk that applies to that area. There are 3 areas: **The general area**, the **stay at home area** and the **area of concern**.

General area: the whole of the State is in the general area other than an area that is a stay at home area or an area of concern

Stay at home area: Greater Sydney other than a part of Greater Sydney listed as an area of concern (until the beginning of 1 October 2021); and

Regional NSW other than a part of the regional NSW area that is an area of concern (until the beginning of 11 September 2021)

Areas of concern: LGAs of Bayside, City of Blacktown, Burwood, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool, City of Parramatta, Strathfield, and the following suburbs within the City of Penrith (Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys) - (until the beginning of 1 October 2021);

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

Directions applying to **the general area**

(A) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises (including an operator of a vehicle or vessel) in the general area must not allow more than the greater of 25 persons or the 4 sqm rule on the premises.

This **does not apply to:**

- a place of residence, holiday home or short-term rental
- an entertainment facility
- a recreation facility (major)

- a group class at a gym or a group dance class at a recreation facility (indoor)
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person and the number of persons on the premises, the following are not included:

- any person engaged in work for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

(ii) Holiday home or short-term rental

An occupier of premises in the general area must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commits an offence if there are more than 5 persons present.

(iii) Place of residence

Each adult member of a household in the general area must not allow more than **5 visitors** at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to contact arrangements between a parent and child or between children who are siblings who do not live in the same household
- there because of an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm

- inspecting the place of residence for sale or lease or participating in an auction of the place of residence
- at the place of residence to attend a funeral, memorial or wedding service or gathering afterwards.

(iv) Entertainment facility or recreation facility (major)

The occupier of an **entertainment facility** in the general area must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** in the general area must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule of unfixed seating OR the 4sqm rule in the facility.

If an entertainment facility relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats. This is also the case for a recreation facility (major) that relies on the total of 50% of the fixed seating capacity plus the 4sqm rule calculation.

(v) Gymnasium and recreation facility (indoor)

The occupier of a gymnasium in the general area must not allow more than 20 persons to attend a group class at the gymnasium.

The occupier of a recreation facility (indoor) in the general area must not allow more than 20 persons to attend a group dance class at the facility.

(B) Fitted face coverings

A person over 12 years old in the general area must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (see **Schedule B** for information on these types of gatherings)
- working at a hospitality venue and dealing directly with members of the public.

The operator of a hospitality venue in the general area must ensure all persons working at the venue comply with this requirement.

There are a number of **exemptions** to these face covering rules:

- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. A person must carry and provide a police officer for inspection on request:
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working if the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or enunciation and visibility of the person's mouth is essential or the work is in an indoor area and no other person is present or the work is at a school
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- in a vehicle where no other person is in the vehicle except a member of the person's household or the person's nominated visitor
- in a hotel, motel or other accommodation as a guest and the person is in their room
- the person is a student at a school
- the person is in a public hospital or private health facility as a patient
- a resident in a residential aged care facility
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in the process of getting married

(C) Miscellaneous

(i) Working from home

An employer must allow an employee whose place of residence is in the general area to work at the employee's place of residence if it is reasonably practicable to do so.

(ii) Singing indoors

The occupier of premises in a general area must not allow a person to sing in an indoor area. This does **not** apply to –

- a place of residence
- an educational establishment
- a performer who is performing or rehearsing

- a person who is engaged in instruction in singing

(iii) Dancing indoors at a hospitality venue or nightclub

The occupier of premises in the general area that is a hospitality venue or a nightclub must not allow a person to dance in an indoor area. This does **not** apply to dancing at a wedding if:

- the persons dancing are members of the wedding party, and
- no more than 20 persons dance at any one time.

(iv) Consuming alcohol while seated only

The occupier of premises in the general area must not allow a person to consume alcohol in an indoor area unless the person is seated. This does **not** apply to a place of residence.

Directions applying to **stay at home areas**

(A) Staying at home

A person who has been in a stay at home area at any time while the area was identified as a stay at home area must not, without reasonable excuse be away from the person's home wherever located, or temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in a stay at home area during the previous 14 days.

If requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for a stay at home area are to/for:

- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attending a job interview or assessment for work if it is not reasonably practicable to undertake the interview or work assessment from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons, including:

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- -where two people are in a relationship but do not live together,
- to accompany another person, whom the person is visiting for compassionate reasons, when the other person is undertaking exercise or outdoor recreation
- in circumstances such as an anniversary of the death of a child or close family member, a visit to a grave. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtain food, goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA or no further than 5km from the person's home or temporary accommodation and not in an area of concern
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request
 - only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted
- Exercise or outdoor recreation if:
 - undertaken within the person's LGA or in another LGA no further than 5km from the person's home or temporary accommodation

- for a person 16 years and over, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people.

- Attending a small funeral or memorial service or gathering afterwards in the stay at home area, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the stay at home area it is only a reasonable excuse if the person is the spouse, de facto partner, parent, child or sibling of the deceased person.
- Attending a small wedding service if the person is the person recording the service or the persons legally necessary to conduct the service. For a person who is a guest attending a small wedding service in the stay at home area. For a small wedding service outside the stay at home area, it is only a reasonable excuse for the following to attend:
 - the parent, child or sibling of one of the persons getting married; or
 - the person recording the service; or
 - a person who is legally necessary to conduct the service.

A small wedding service is a wedding service (but not a gathering afterwards) of no more than 5 people excluding the persons legal necessary for the service (eg persons getting married, person marrying them and witnesses) and 1 person recording the service.

A person who resides in Greater Sydney may not attend a small wedding service held outside Greater Sydney.

Taking a holiday is NOT a reasonable excuse

Note: Coastal waters are part of the closest LGA.

(B) Closure of premises

(i) Premises that must not be open

The following premises in a stay at home area must not be open to members of the public:

- amusement centres
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses
- betting agencies
- markets that do not predominantly sell food
- gaming lounges

- nightclubs
- public swimming pool, but not a natural swimming pool
- a property operated by the National Trust or the Historic Houses Trust
- sex services premises
- sex on premises venues
- strip clubs

(ii) Premises that must not be open except in limited circumstances

The following premises in a stay at home area must not be open to members of the public except as provided:

- entertainment facilities
- food and drink premises, other than cafeterias in workplaces
- information and education facilities
- micro-breweries or small distilleries holding a drink on premises authorization under the Liquor Act 2007 or cellar door premises
- places of public worship
- pubs, clubs and casinos
- recreation facilities (indoor)

These premises may be open:

- to sell food or beverages off premises or in a shopping centre outside the shopping centre
- if the premises are part of hotel or motel accommodation to provide accommodation including providing food and beverages to guests to consume in their rooms
- to hold a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- to hold a small wedding service (but not a gathering after a wedding service) at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service.
- to provide educational services or childcare

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

(iii) Retail premises

All retail premises in a stay at home area must be closed to the public except:

- chemists and pharmacies
- garden centres and plant nurseries
- hardware and building supplies
- kiosks
- landscaping material supplies
- rural supplies
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide "click and collect" and home delivery services.

(iv) Caravan parks and camping grounds

Caravan parks or camping grounds must not be open to the public in the stay at home area except to:

- provide accommodation to the following:
 - permanent residents of the premises,
 - overnight travelers,
 - persons working in the local area,
 - persons who have no permanent place of residence, and
- allow persons to visit a person who is staying in accommodation on the premises

A person can stay in accommodation if the person –

- was staying at the premises before the relevant date (the date the area was included as a stay at home area), and
- is still staying there under a booking made before the relevant date that has not been extended after that date.

A person can also stay in caravan park or camping ground accommodation if the person's place of residence is outside NSW, and the person is unable to return to their residence because of the closure of state borders and/or restrictions on returning travellers.

(v) Exceptions

Nothing prevents premises in a stay at home area to be open:

- 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 people, or
- as an early education and care facility.

(C) Maximum number of persons permitted on premises

(i) Generally

The occupier of premises in a stay at home area (including an operator of a vehicle or vessel) must not allow more persons than the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence, holiday home or short-term rental
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

(ii) Holiday home or short-term rental

The occupier of premises in a stay at home area must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence for the purposes of this Order.

(iii) Place of residence

Each member of the household who is an adult must not allow a person to visit the household unless the person is an authorised visitor. A person must not visit a home in a stay at home area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes –

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, or the nominated visitor of the person becomes unable to be the person's nominated visitor, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives in the stay at home area but not an area of concern.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in a stay at home area to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in a stay at home area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time, or
- it is carried out in an indoor area of a home, and the work is not necessary, no more than 2 workers are in an indoor area of the place of residence at any 1 time, and no person, other than another worker, is in the same room as the worker

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

Vehicles (car pooling)

A person must not be in a vehicle in a stay at home area with another person other than someone from their household or the person's nominated visitor.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request.

None of the above car pooling restrictions apply to a vehicle being used to engage in work (such as police cars), for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

None of the above car pooling restrictions apply to vehicles arranged by an employer to transport staff between their home and work, where that vehicle has a Service NSW QR code and either openable windows or a ventilation system set to circulate air from outside the vehicle. This exemption is subject to the condition that each person in the vehicle:

- resides in a regional NSW area; and
- has not been in Greater Sydney in the previous 14 days; and
- has had at least 1 dose of a COVID-19 vaccine, or is booked to have at least 1 dose on or before 10 September 2021; and
- is wearing a fitted face covering at all times while in the vehicle; and
- takes reasonably practicable steps to ensure that the vehicle's windows are down; and
- has registered their contact details when entering the vehicle, either through registering on the Service NSW app using their own phone, having another person register them through the Service NSW app, or (if they are not able to register with the Service NSW app) by providing their details to the vehicle driver.

(D) Outdoor public gatherings

A person must not participate in an outdoor public gathering in a stay at home area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons carrying out work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises
- a gathering for a small funeral or memorial service, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service.
- A gathering for a small wedding service, at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service.

(E) Fitted face coverings

A person over the age of 12 years in a stay at home area must carry a fitted face covering unless the person is at their place of residence.

A person over the age of 12 years in a stay at home area must wear a fitted face covering (over both the nose and mouth) at all times while in settings that also apply to the general area – refer to *fitted face coverings* in the **general area**.

In addition, a person in a stay at home area must wear a fitted face covering:

- in an indoor or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service.

The operator of a hospitality venue in a stay at home area must ensure all persons working at the venue comply with these rules.

The same exceptions that apply to the wearing of face coverings in the general area apply to a stay at home area. In addition, a person is allowed to remove their face covering in a stay at home area if they are engaging in physical exercise.

(F) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in a stay at home area to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in a stay at home area must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in an education establishment, or
- the persons are singing for the purpose of instruction in singing.

(iii) Property inspections

A person must not conduct an open inspection of premises in a stay at home area for the purposes of the sale or lease of the premises in a stay at home area where people attend in person.

This does not prevent a person carrying out an inspection of premises if—

- the person has made an appointment to carry out the inspection, and
- no more than 1 person inspects the premises at any 1 time.

(iv) Auctions

A person must not conduct an auction at premises in a stay at home area at which persons attend in persons.

An auction for food supply, or livestock, fibre or crops is exempt from this direction and can continue to be open to the public for this purpose.

Directions applying to areas of concern

(A) Staying at home

A person whose place of residence is in an area of concern must not, without reasonable excuse be away from the person's home, or be away from the temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in an area of concern area during the previous 14 days.

Curfew: A person in an area of concern is not able to be away from their home between the hours of 9pm on a day and 5am on the following day other than for the purposes of work, arranging childcare, medical reasons or donating blood, providing care to others, emergencies, animal welfare and legal obligations as outlined below.

If requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

A person is **exempt** from the curfew to drive a person who lives in the same household, or a close family member, or a person who is in a relationship with the person, to or from their place of employment and their home by the most practicable direct route. A person must provide details of the place of employment of the family or household member to a police officer upon request.

Reasonable excuses for an area of concern outside curfew are to/for:

- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attending a job interview or assessment for work if it is not reasonably practicable to undertake the interview or work assessment from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home

FOR INTERNAL USE ONLY

- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons, including:
 - where two people are in a relationship but do not live together,
 - to accompany another person, whom the person is visiting for compassionate reasons, when the other person is undertaking exercise in accordance with the order
 - in circumstances such as an anniversary of the death of a child or close family member, a visit to a grave. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtaining goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - the goods and services must be obtained within 5km from the person's home or temporary accommodation. If they are not reasonably available in the 5km radius, they must be obtained from another place in the area of concern, or if they are not reasonably available in the area of concern, from the closest place to the home that they are

reasonably available (for an area of concern in Greater Sydney this must be in Greater Sydney).

- a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.
- Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- Exercising, allowing a child who is 12 years or younger to play, supervising a child who is 12 years or younger who has left the residence to play no further than 5km from the person's place of residence
 - for a person 16 years or over who is exercising or taking a child to play or supervising a child playing must carry evidence of their name and address or temporary accommodation and produce it to police if requested
- Attending a small funeral or memorial service or gathering afterwards in the area of concern, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the area of concern it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend
- Attending a small wedding service if the person is the person recording the service or the persons legally necessary to conduct the service. For a person who is a guest attending a small wedding service in the area of concern. For a small wedding service outside the area of concern, it is only a reasonable excuse for the following to attend:
 - the parent, child or sibling of one of the persons getting married; or
 - the person recording the service; or
 - a person who is legally necessary to conduct the service.

A small wedding service is a wedding service (but not a gathering afterwards) of no more than 5 people excluding the persons legal necessary for the service (eg persons getting married, person marrying them and witnesses) and 1 person recording the service.

A person who resides in Greater Sydney may not attend a small wedding service held outside Greater Sydney.

- Driving a person who lives in the same household, or a close family member, to or from their place of employment and their place of residence

(B) Leaving an area of concern for work

A person who is at least 16 years of age and who lives in an area of concern must not leave the area of concern for the purposes of work unless the person is an authorised worker. The list of authorised workers can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>

An authorised worker must not leave the area of concern for work without a permit issued by Service NSW. An authorised worker does not need a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel
- A person engaged by the ADF to undertake work on ADF infrastructure and vessels and must provide a letter or other document from the ADF indicating that the person is providing services to the ADF on request of a police officer.

From 6 September 2021, an authorised worker who is at least 16 years old must not leave the area of concern for work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contraindication certificate. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

When leaving the area of concern for work the authorised worker must carry and produce evidence of the worker's name, address and vaccination for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

This does not apply to a person who has not been in the area of concern in the last 14 days.

(C) Entering an area of concern for work

A person must not enter an area of concern to carry out work in the area of concern without a permit issued by Service NSW. A person does not require a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval

- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel
- A person engaged by the ADF to undertake work on ADF infrastructure and vessels and must provide a letter or other document from the ADF indicating that the person is providing services to the ADF on request of a police officer.

(D) Closure of premises

(i) Premises that must not be open

Premises in an area of concern that must not be open to members of the public are the same as those that apply to premises in a stay at home area. Refer above.

(ii) Premises that must not be open except in limited circumstances

Premises in an area of concern that must not be open to members of the public except in limited circumstances are the same as those that apply to premises in a stay at home area. Refer above.

(iii) Retail premises

All retail premises in an area of concern must be closed to the public except:

- chemists and pharmacies
- kiosks
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- vehicle hire premises (but not premises where vehicles are sold)
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

The following premises must not be open to members of the public, but may be open to trade or business customers:

- Garden centres and plant nurseries
- Hardware and building supplies
- Landscaping material supplies
- Rural supplies
- Timber yards.

(iv) Caravan parks and camping grounds

Rules around caravan parks or camping grounds in an area of concern are the same as those caravan parks or camping grounds in a stay at home area. Refer above.

(v) Exceptions

Exceptions that apply to premises in stay at home area also apply to premises in an area of concern. Refer above.

(E) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises in an area of concern (including an operator of a vehicle or vessel) is subject to the same capacity restrictions as those premises in a stay at home area. Refer above.

(ii) Holiday home or short-term rental

The occupier of premises in an area of concern must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

(iii) Place of residence

If the place of residence of a household is in an area of concern, each member of the household who is an adult must not allow a person to visit the place of residence unless the person is an authorised visitor. A person must not visit a place of residence in an area of concern area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes -

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, or the nominated visitor of the person becomes unable to be the person's nominated visitor, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives within 5 km of the person.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in an area of concern to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in an area of concern area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time.

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

(vi) Vehicles (car pooling)

A person in a vehicle in an area of concern is subject to the same limitations and requirements as a person in a vehicle in a stay at home area – refer above.

(vii) Construction sites

An occupier of a construction site in an area of concern is subject to the same requirements and obligations as an occupier of a construction site in a stay at home area.

(F) Outdoor public gatherings

A person in an area of concern must not participate in an outdoor public gathering of more than **2 persons** just like in a stay at home area.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises
- a gathering for a small funeral or memorial service, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service

- A gathering for a small wedding service, at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service.

(G) Fitted face coverings

A person over the age of 12 years in an area of concern must carry a fitted face covering unless the person is at their place of residence, just like in a stay at home area.

A person over the age of 12 years in an area of concern must wear a fitted face covering over the nose and mouth while the person is –

- in an indoor area or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service

The same exceptions that apply to the wearing of face coverings in a general area apply to areas of concern – refer above.

(H) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in an area of concern to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in an area of concern is subject to the same restrictions on singing indoors as an occupier of non-residential premises in a stay at home area. Refer above.

(iii) Property inspections and auctions

Property inspections in an area of concern are subject to the same restrictions as those in a stay at home area. Refer above.

(iv) Educational institutions

Classes, lectures, exams or other teaching or assessment sessions must not be conducted at an educational institution in an area of concern if students attend in person. This does not apply to a school or to an educational institution operated by NSW Health.

(v) Vaccinations – early education and care and disability support

From 6 September, a relevant care worker who is at least 16 years of age (certain workers in early education and care facilities and providing a disability service and whose place of residence or

place of work is in an area of concern) must not enter or remain in the worker's place of work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contradiction certificate. The relevant care worker must, when entering the worker's place of work, carry and produce for inspection evidence of the person's name, address and vaccination if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Additional directions for Greater Sydney

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

(A) Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together
- Family contact arrangements
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person

- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Attending a small funeral or memorial service or gathering afterwards in Greater Sydney, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service (see specific rules for stay at home areas and areas of concern above).
- Attending a small wedding service in Greater Sydney, at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service (see specific rules for stay at home areas and areas of concern above).

Taking a holiday is NOT a reasonable excuse.

(B) Leaving Greater Sydney

(i) Testing of workers leaving Greater Sydney

A person who resides in Greater Sydney must not enter premises that are more than 50km outside of Greater Sydney for the purposes of work unless the person –

- has been tested for COVID-19 in the previous 7 days, and
- carries evidence of the test, and
- carries evidence showing the address of the person's place of residence.

For non-residential premises, the occupier must not allow the person to enter or remain on the premises unless the person satisfies the occupier that the person has been tested for COVID-19 within the previous 7 days.

The person must produce the evidence of the test for inspection by the occupier or the person's employer on request.

The person 16 years and older must, if requested to do so by a police officer, produce evidence of the test and evidence showing the person's address.

Exemption: an emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties (e.g. attending a urgent callout while on shift).

(ii) Permits for persons leaving Greater Sydney

A person who resides in Greater Sydney who:

- is moving either temporarily or permanently to a place of residence outside Greater Sydney, or
- goes more than 50km from Greater Sydney to carry out work, or
- is leaving Greater Sydney to inspect residential property

must not leave Greater Sydney without a permit issued by Service NSW.

The person must comply with the conditions included in the permit and must carry the permit and produce the permit for inspection if requested do so by a police officer.

A person does not need a permit to provide emergency services. Until 3:00pm on 25 August 2021, NSW Health staff, a person providing services to a local health district or a statutory health corporation, a staff member licensed under the Private Health Facilities Act 2007, a medical practitioner providing GP locum services and a member of the ADF are also exempt.

The following persons are exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel
- A person engaged by the ADF to undertake work on ADF infrastructure and vessels and must provide a letter or other document from the ADF indicating that the person is providing services to the ADF on request of a police officer.

(iii) Leaving Sydney to move between homes or to inspect property

A person who resides in Greater Sydney must not leave Greater Sydney:

- to move between places of residence of the person unless the movement:
 - is for the person's work and only the person moves to the other place of residence, or
 - is for urgent maintenance or repairs or animal welfare and only 1 person moves to the other place of residence, or

- to inspect residential property unless:
 - the person has a genuine intention to reside outside Greater Sydney as soon as practicable, and
 - the person inspects the property as a potential place of residence for the person.

(iv) Carrying evidence of name and address when leaving Greater Sydney

A person who is 16 years and older who resides in Greater Sydney and who is outside Greater Sydney must:

- carry evidence showing the address of the person's name and place of residence, and
- produce the evidence for inspection if requested to do so by a police officer.

(C) Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site's current resourcing plan (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist.

(i) Vaccination required to work on construction sites in Greater Sydney

A person whose place of residence or temporary accommodation is in an area of concern must not enter or remain on a construction site in Greater Sydney unless the person:

- has had 2 doses of a COVID-19 vaccine, or
- has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- has had 1 dose of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- has a medical contraindication certificate issued to them and has been tested for COVID-19 in the 72 hours before being on site. NSW Health has a form for this certification at

<https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person's employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The 'required evidence' includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Other directions applying to all areas

(D) Answering questions from contact tracers and providing other information

A person must, if requested by an authorised contact tracer:

- answer questions or provide other information about the person's movement, and
- provide the person's contact details.

A person must provide true and accurate evidence or information to a contact tracer.

A person must also provide true and accurate evidence and information in response to a request under the order or to Service NSW.

(E) Responses to police requests about who is in COVID-19 risk premises

A '**COVID-19 risk premises**' is a residence or place at which a person diagnosed with COVID-19 or a close contact is residing.

A person who is residing or present at a COVID-19 risk premises must respond to any request made by a police officer for information about who is residing or present at the premises.

If a police officer knocks at a door of a COVID-19 risk premises, a resident is required to open the door and comply with the request of the officer. A request for information by the officer may include a request to provide the name and contact details of persons residing or present at the premises, whether at the time of the request or generally.

(F) Travelling through State

This Order does not apply to a person merely because the person:

- travels through the State in a vehicle if the person does not leave the vehicle while in the State, or
- enters the State by road and then travels through the State by the most practicable direct route, or
- enters the State by air and does not leave the airport while in the State, or
- enters the State by vessel or aircraft and then travels directly from the port or airport at which the persons arrived to leave the State by the most practicable direct route, or
- enters the State to travel to a port or airport to leave the State and then travels to the port or airport by the most practicable direct route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Schedule A: Exempted gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine or of the commercial vessel
- 11 Gathering at a school, university or other educational institution or childcare 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 St 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

Schedule B: COVID-19 safe outdoor gatherings and controlled outdoor public gatherings

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

A **COVID-19 safe outdoor gathering** is a gathering where the organiser:

- has and complies with the appropriate COVID-19 Safety Plan, and
- keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.

The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:

- the number permitted by the 4 sqm rule for the premises, or
- 5,000 persons.

These rules do not apply to:

- a gathering for which a COVID-19 Safety Plan is required (see table below)
- an exempted gathering listed in Annexure A of this Fact Sheet,
- a gathering to provide emergency assistance to a person or persons,
- an agricultural show or agricultural field day,
- a controlled outdoor public gathering.

A **controlled outdoor public gathering** is:

- held in an area that is enclosed or bounded by fencing or another form of barrier, and requires a ticket to enter, and
- all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.

The restrictions on controlled outdoor public gatherings do not apply to:

- a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
- a gathering listed in **Schedule A** (exempted gatherings)

The organiser of a controlled public gathering must:

- ensure the above requirements are met
- have and comply with the appropriate COVID-19 Safety Plan, and
- keep a copy of the COVID-19 Safety Plan and make it available for inspection.

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No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	Construction sites in Greater Sydney
12	COVID-19 safe outdoor public gatherings
13	Controlled outdoor public gatherings
14	Crematoria
15	Drive-in cinemas
16	Entertainment facilities
17	Food and drink premises (other than food courts)
18	Food courts
19	Function centres
20	Funeral homes
21	Funerals and memorial services and gatherings after funerals and memorial services
22	Information and education facilities
23	Large residential gatherings

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24	Markets
25	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
26	Nightclubs
27	Party buses
28	Places of public worship and religious services on other premises
29	Places of residence, holiday homes and short-term rentals with more than 100 visitors
30	Properties operated by the National Trust or the Historic Houses Trust
31	Public swimming pools (excluding natural swimming pools)
32	Pubs, small bars, registered clubs and nightclubs
33	Recreation facilities (indoor)
34	Recreation facilities (major)
35	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
36	Sex services premises
37	Short-term rental or tourist and visitor accommodation on Lord Howe Island
38	Strip clubs
39	Vessels used for hosting functions or for commercial tours
40	Wedding services and gatherings after wedding services
41	Zoological parks and reptile parks

Notes on police powers

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

Powers generally

- Unless otherwise provided for in this Order, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPR. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPR, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPR allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPR if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

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TOPIC	PENALTY NOTICE	OFFENCE CODE	REG CODE	PENALTY AMOUNT
FACE COVERINGS - CHILDREN	15 years old or younger not wear/carry fitted face covering	97105	Reg Code HZZ	\$40
*Remember a child under 12 can not be infringed for face covering offences as they are exempt.	16 or 17 years old not wear/carry fitted face covering	97104	Reg Code PUW	\$80
FACE COVERINGS - ADULT	Not wear fitted face covering in retail/business premises	96587	Reg Code YLL	\$500
	Not wear fitted face covering in licensed gaming area	96588	Reg Code EIJ	\$500
	Not wear fitted face covering in entertainment facility	96589	Reg Code QLU	\$500
	Not wear fitted face covering in place of public worship etc	96590	Reg Code CRL	\$500
	Not wear fitted face covering residential aged care facility	96591	Reg Code OXS	\$500
	Not wear fitted face covering public transport waiting area	96592	Reg Code FIQ	\$500
	Not wear fitted face covering in public transport/taxi etc	96593	Reg Code XFT	\$500
	Not wear fitted face covering - hospitality venue worker	96594	Reg Code SBR	\$500
	Operator not ensure hospitality workers wear fitted face coverings - individual	96595	Reg Code WAN	\$1,000
>> Corporation Only >>	Operator not ensure hospitality workers wear fitted face coverings - corporation	896595	Reg Code EJO	\$5,000
	Not wear face covering in indoor area of non-residential premises	96953	Reg Code OPI	\$500
	Not wear fitted face covering in prescribed outdoor gathering	96954	Reg Code HSY	\$500
	Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001	Reg Code MME	\$500
	Fail to comply with any other wear face covering directive – individual	96960	Reg Code GYJ	\$500
Outdoor Gatherings	Not comply with outdoor public gatherings direction (stay at home area)	97721	Reg Code VKB	\$3,000
	Not comply with outdoor public gatherings direction (area of concern)	97722	Reg Code BFO	\$3,000

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Curfew (9pm-5am) Area of concern	Not comply with curfew – area of concern – individual	97729	Reg Code UGR	\$1,000
>> Corporation Only >>	Not comply with curfew – area of concern - corporation	897729	Reg Code NHU	\$5,000
Contact Tracer and Service NSW Requirements	Fail to answer questions from contact tracers and provide details as prescribed	97723	Reg Code XAM	\$5,000
	Not ensure true and accurate information provided to authorised contact tracer	97725	Reg Code AQN	\$5,000
	Not ensure true and accurate information provided to Service NSW	97724	Reg Code CCU	\$5,000
Working from Home	Employer fail to require employee to work from home (stay at home area) – Individual	97711	Reg Code TTA	\$2,000
	Employer fail to require employee to work from home (area of concern) – Individual	97712	Reg Code HSU	\$2,000
>> Corporation Only >>	Employer fail to require employee to work from home (stay at home area) – Corporation	897711	Reg Code KKV	\$10,000
>> Corporation Only >>	Employer fail to require employee to work from home (area of concern) – Corporation	897712	Reg Code IXQ	\$10,000
Construction Sites	Enter/remain on construction site not vaccinated/tested as prescribed – individual	97246	Reg Code EUG	\$2,000
>> Corporation Only >>	Enter/remain on construction site not vaccinated/tested as prescribed – corporation	897246	Reg Code TFF	\$10,000
	Occupier of construction site permit unlawful entry etc – individual	97248	Reg Code PXP	\$2,000
>> Corporation Only >>	Occupier of construction site permit unlawful entry etc – corporation	897248	Reg Code TKY	\$10,000
	Enter/remain on construction site not have/produce prescribed evidence – individual	97247	Reg Code XXT	\$2,000
>> Corporation Only >>	Enter/remain on construction site not have/produce prescribed evidence – corporation	897247	Reg Code FZH	\$10,000
Testing Workers	Not comply with requirements for testing workers leaving Greater Sydney	97715	Reg Code CKZ	\$3,000
Leave Greater Sydney	Leave Greater Sydney for prescribed purposes without permit	97716	Reg Code KAA	\$3,000

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	Leave Greater Sydney to unlawfully move between homes or inspect property	97717	Reg Code LFJ	\$3,000
	Person 16 years and over not carry identification evidence outside Greater Sydney	97718	Reg Code FFW	\$3,000
	Person 16 years and over not carry permit outside Greater Sydney	97719	Reg Code PJO	\$3,000
	Person relying on permit not comply with permit conditions	97720	Reg Code HUK	\$3,000
Any Other Breach Not Listed	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order by an Individual)	95638	Reg Code ZZE	\$1,000
>> Corporation Only >>	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – CORPORATION (this is the offence for any other breach of this Order by a Corporation)	895638	Reg Code YUW	\$5,000

COURT ATTENDANCE NOTICE	LAW PART CODE	PENALTY
15 years old or younger not wear/carry fitted face covering	97105	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
16 or 17 years old not wear/carry fitted face covering	97104	
Not wear fitted face covering in retail/business premises	96587	

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Not wear fitted face covering in licensed gaming area	96588		
Not wear fitted face covering in entertainment facility	96589		
Not wear fitted face covering in place of public worship etc	96590		
Not wear fitted face covering residential aged care facility	96591		
Not wear fitted face covering public transport waiting area	96592		
Not wear fitted face covering in public transport/taxi etc	96593		
Not wear fitted face covering - hospitality venue worker	96594		
Operator not ensure hospitality workers wear fitted face coverings - individual or corporation	96595		
Not wear face covering in indoor area of non-residential premises	96953		
Not wear fitted face covering in prescribed outdoor gathering	96954		
Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001		
Fail to comply with any other wear face covering directive – individual or corporation	96960		
Not comply with outdoor public gatherings direction (stay at home area)	97721		
Not comply with outdoor public gatherings direction (area of concern)	97722		

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Not comply with curfew – area of concern – individual or corporation	97729		
Fail to answer questions from contact tracers and provide details as prescribed	97723		
Not ensure true and accurate information provided to authorized contact tracer	97725		
Not ensure true and accurate information provided to Service NSW	97724		
Employer fail to require employee to work from home (stay at home area) – individual or corporation	97711		
Employer fail to require employee to work from home (area of concern) – individual or corporation	97712		
Enter/remain on construction site not vaccinated/tested as prescribed – individual or corporation	97246		
Enter/remain on construction site not have/produce prescribed evidence – individual or corporation	97247		
Occupier of construction site permit unlawful entry etc – individual or corporation	97248		
Not comply with requirements testing workers leaving Greater Sydney	97715		
Leave Greater Sydney for prescribed purposes without permit	97716		

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Leave Greater Sydney to unlawfully move between homes or inspect property	97717		
Person 16 years and over not carry identification evidence outside Greater Sydney	97718		
Person 16 years and over not carry permit outside Greater Sydney	97719		
Person relying on permit not comply with permit conditions	97720		
95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual or corporation	95638		

Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021

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Additional Restrictions for Delta Outbreak

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021 commenced 21 August 2021.

Restrictions applicable to an area in NSW is based on the LEVEL of Risk that applies to that area. There are 3 areas: **The general area**, the **stay at home area** and the **area of concern**.

General area: the whole of the State is in the general area other than an area that is a stay at home area or an area of concern

Stay at home area: Greater Sydney other than a part of Greater Sydney listed as an area of concern (until the beginning of 1 October 2021); and

Regional NSW other than a part of the regional NSW area that is an area of concern (until the beginning of 11 September 2021)

Areas of concern: LGAs of Bayside, City of Blacktown, Burwood, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool, City of Parramatta, Strathfield, and the following suburbs within the City of Penrith (Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys) - (until the beginning of 1 October 2021);

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

Directions applying to **the general area**

(A) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises (including an operator of a vehicle or vessel) in the general area must not allow more than the greater of 25 persons or the 4 sqm rule on the premises.

This **does not apply to:**

- a place of residence, holiday home or short-term rental
- an entertainment facility
- a recreation facility (major)

- a group class at a gym or a group dance class at a recreation facility (indoor)
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person and the number of persons on the premises, the following are not included:

- any person engaged in work for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

(ii) Holiday home or short-term rental

An occupier of premises in the general area must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commits an offence if there are more than 5 persons present.

(iii) Place of residence

Each adult member of a household in the general area must not allow more than **5 visitors** at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to contact arrangements between a parent and child or between children who are siblings who do not live in the same household
- there because of an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm

- inspecting the place of residence for sale or lease or participating in an auction of the place of residence
- at the place of residence to attend a funeral, memorial or wedding service or gathering afterwards.

(iv) Entertainment facility or recreation facility (major)

The occupier of an **entertainment facility** in the general area must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** in the general area must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule of unfixed seating OR the 4sqm rule in the facility.

If an entertainment facility relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats. This is also the case for a recreation facility (major) that relies on the total of 50% of the fixed seating capacity plus the 4sqm rule calculation.

(v) Gymnasium and recreation facility (indoor)

The occupier of a gymnasium in the general area must not allow more than 20 persons to attend a group class at the gymnasium.

The occupier of a recreation facility (indoor) in the general area must not allow more than 20 persons to attend a group dance class at the facility.

(B) Fitted face coverings

A person over 12 years old in the general area must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (see **Schedule B** for information on these types of gatherings)
- working at a hospitality venue and dealing directly with members of the public.

The operator of a hospitality venue in the general area must ensure all persons working at the venue comply with this requirement.

There are a number of **exemptions** to these face covering rules:

- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. A person must carry and provide a police officer for inspection on request:
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working if the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or enunciation and visibility of the person's mouth is essential or the work is in an indoor area and no other person is present or the work is at a school
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- in a vehicle where no other person is in the vehicle except a member of the person's household or the person's nominated visitor
- in a hotel, motel or other accommodation as a guest and the person is in their room
- the person is a student at a school
- the person is in a public hospital or private health facility as a patient
- a resident in a residential aged care facility
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in the process of getting married

(C) Miscellaneous

(i) Working from home

An employer must allow an employee whose place of residence is in the general area to work at the employee's place of residence if it is reasonably practicable to do so.

(ii) Singing indoors

The occupier of premises in a general area must not allow a person to sing in an indoor area. This does **not** apply to –

- a place of residence
- an educational establishment
- a performer who is performing or rehearsing

- a person who is engaged in instruction in singing

(iii) Dancing indoors at a hospitality venue or nightclub

The occupier of premises in the general area that is a hospitality venue or a nightclub must not allow a person to dance in an indoor area. This does **not** apply to dancing at a wedding if:

- the persons dancing are members of the wedding party, and
- no more than 20 persons dance at any one time.

(iv) Consuming alcohol while seated only

The occupier of premises in the general area must not allow a person to consume alcohol in an indoor area unless the person is seated. This does **not** apply to a place of residence.

Directions applying to **stay at home areas**

(A) Staying at home

A person who has been in a stay at home area at any time while the area was identified as a stay at home area must not, without reasonable excuse be away from the person's home wherever located, or temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in a stay at home area during the previous 14 days.

If requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for a stay at home area are to/for:

- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attending a job interview or assessment for work if it is not reasonably practicable to undertake the interview or work assessment from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons, including:

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- -where two people are in a relationship but do not live together,
- to accompany another person, whom the person is visiting for compassionate reasons, when the other person is undertaking exercise or outdoor recreation
- in circumstances such as an anniversary of the death of a child or close family member, a visit to a grave. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtain food, goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA or no further than 5km from the person's home or temporary accommodation and not in an area of concern
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request
 - only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted
- Exercise or outdoor recreation if:
 - undertaken within the person's LGA or in another LGA no further than 5km from the person's home or temporary accommodation

- for a person 16 years and over, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people.

- Attending a small funeral or memorial service or gathering afterwards in the stay at home area, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the stay at home area it is only a reasonable excuse if the person is the spouse, de facto partner, parent, child or sibling of the deceased person.
- Attending a small wedding service if the person is the person recording the service or the persons legally necessary to conduct the service. For a person who is a guest attending a small wedding service in the stay at home area. For a small wedding service outside the stay at home area, it is only a reasonable excuse for the following to attend:
 - the parent, child or sibling of one of the persons getting married; or
 - the person recording the service; or
 - a person who is legally necessary to conduct the service.

A small wedding service is a wedding service (but not a gathering afterwards) of no more than 5 people excluding the persons legal necessary for the service (eg persons getting married, person marrying them and witnesses) and 1 person recording the service.

A person who resides in Greater Sydney may not attend a small wedding service held outside Greater Sydney.

- A Rabbi or person nominated by the NSW Jewish Board of Deputies may leave their residence to blow the Shofar (a religious horn) between 8am and 5pm for 10 minutes at a time, up to a maximum of 3 hours per day, on 7, 8, 15 and 16 September 2021. This is only an excuse if the Shofar is being blown in an outdoor area which is not in an Area of Concern, and which is an Exempt Area as nominated by the NSW Jewish Board of Deputies. Police should contact the Police Operations Centre if they wish to confirm whether a particular person has been nominated to blow the Shofar, or whether a particular area has been nominated as an Exempt Area.

Taking a holiday is NOT a reasonable excuse

Note: Coastal waters are part of the closest LGA.

(B) Closure of premises

(i) Premises that must not be open

The following premises in a stay at home area must not be open to members of the public:

- amusement centres
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses
- betting agencies
- markets that do not predominantly sell food
- gaming lounges
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property operated by the National Trust or the Historic Houses Trust
- sex services premises
- sex on premises venues
- strip clubs

(ii) Premises that must not be open except in limited circumstances

The following premises in a stay at home area must not be open to members of the public except as provided:

- entertainment facilities
- food and drink premises, other than cafeterias in workplaces
- information and education facilities
- micro-breweries or small distilleries holding a drink on premises authorization under the Liquor Act 2007 or cellar door premises
- places of public worship
- pubs, clubs and casinos
- recreation facilities (indoor)

These premises may be open:

- to sell food or beverages off premises or in a shopping centre outside the shopping centre
- if the premises are part of hotel or motel accommodation to provide accommodation including providing food and beverages to guests to consume in their rooms

- to hold a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- to hold a small wedding service (but not a gathering after a wedding service) at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service.
- to provide educational services or childcare

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

(iii) Retail premises

All retail premises in a stay at home area must be closed to the public except:

- chemists and pharmacies
- garden centres and plant nurseries
- hardware and building supplies
- kiosks
- landscaping material supplies
- rural supplies
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide "click and collect" and home delivery services.

(iv) Caravan parks and camping grounds

Caravan parks or camping grounds must not be open to the public in the stay at home area except to:

- provide accommodation to the following:
 - permanent residents of the premises,
 - overnight travelers,
 - persons working in the local area,
 - persons who have no permanent place of residence, and
- allow persons to visit a person who is staying in accommodation on the premises

A person can stay in accommodation if the person –

- was staying at the premises before the relevant date (the date the area was included as a stay at home area), and
- is still staying there under a booking made before the relevant date that has not been extended after that date.

A person can also stay in caravan park or camping ground accommodation if the person's place of residence is outside NSW, and the person is unable to return to their residence because of the closure of state borders and/or restrictions on returning travellers.

(v) Exceptions

Nothing prevents premises in a stay at home area to be open:

- 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 people, or
- as an early education and care facility.

(C) Maximum number of persons permitted on premises

(i) Generally

The occupier of premises in a stay at home area (including an operator of a vehicle or vessel) must not allow more persons than the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence, holiday home or short-term rental
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds

- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

(ii) Holiday home or short-term rental

The occupier of premises in a stay at home area must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence for the purposes of this Order.

(iii) Place of residence

Each member of the household who is an adult must not allow a person to visit the household unless the person is an authorised visitor. A person must not visit a home in a stay at home area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes –

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, or the nominated visitor of the person becomes unable to be the person's nominated visitor, and

- the nominated visitor has not been nominated as a visitor for another person, and
 - the nominated visitor lives in the stay at home area but not an area of concern.
- The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in a stay at home area to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in a stay at home area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time, or
- it is carried out in an indoor area of a home, and the work is not necessary, no more than 2 workers are in an indoor area of the place of residence at any 1 time, and no person, other than another worker, is in the same room as the worker

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

Vehicles (car pooling)

A person must not be in a vehicle in a stay at home area with another person other than someone from their household or the person's nominated visitor.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request.

None of the above car pooling restrictions apply to a vehicle being used to engage in work (such as police cars), for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

None of the above car pooling restrictions apply to vehicles arranged by an employer to transport staff between their home and work, where that vehicle has a Service NSW QR code and either openable windows or a ventilation system set to circulate air from outside the vehicle. This exemption is subject to the condition that each person in the vehicle:

- resides in a regional NSW area; and
- has not been in Greater Sydney in the previous 14 days; and
- has had at least 1 dose of a COVID-19 vaccine, or is booked to have at least 1 dose on or before 10 September 2021; and
- is wearing a fitted face covering at all times while in the vehicle; and
- takes reasonably practicable steps to ensure that the vehicle's windows are down; and
- has registered their contact details when entering the vehicle, either through registering on the Service NSW app using their own phone, having another person register them through the Service NSW app, or (if they are not able to register with the Service NSW app) by providing their details to the vehicle driver.

(D) Outdoor public gatherings

A person must not participate in an outdoor public gathering in a stay at home area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons carrying out work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises

- a gathering for a small funeral or memorial service, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service.
- A gathering for a small wedding service, at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service.

(E) Fitted face coverings

A person over the age of 12 years in a stay at home area must carry a fitted face covering unless the person is at their place of residence.

A person over the age of 12 years in a stay at home area must wear a fitted face covering (over both the nose and mouth) at all times while in settings that also apply to the general area – refer to *fitted face coverings* in the **general area**.

In addition, a person in a stay at home area must wear a fitted face covering:

- in an indoor or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service.

The operator of a hospitality venue in a stay at home area must ensure all persons working at the venue comply with these rules.

The same exceptions that apply to the wearing of face coverings in the general area apply to a stay at home area. In addition, a person is allowed to remove their face covering in a stay at home area if they are engaging in physical exercise.

(F) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in a stay at home area to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in a stay at home area must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in an education establishment, or
- the persons are singing for the purpose of instruction in singing.

(iii) Property inspections

A person must not conduct an open inspection of premises in a stay at home area for the purposes of the sale or lease of the premises in a stay at home area where people attend in person.

This does not prevent a person carrying out an inspection of premises if—

- the person has made an appointment to carry out the inspection, and
- no more than 1 person inspects the premises at any 1 time.

(iv) Auctions

A person must not conduct an auction at premises in a stay at home area at which persons attend in persons.

An auction for food supply, or livestock, fibre or crops is exempt from this direction and can continue to be open to the public for this purpose.

Directions applying to **areas of concern**

(A) Staying at home

A person whose place of residence is in an area of concern must not, without reasonable excuse be away from the person's home, or be away from the temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in an area of concern area during the previous 14 days.

Curfew: A person in an area of concern is not able to be away from their home between the hours of 9pm on a day and 5am on the following day other than for the purposes of work, arranging childcare, medical reasons or donating blood, providing care to others, emergencies, animal welfare and legal obligations as outlined below.

If requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

A person is **exempt** from the curfew to drive a person who lives in the same household, or a close family member, or a person who is in a relationship with the person, to or from their place of employment and their home by the most practicable direct route. A person must provide details of the place of employment of the family or household member to a police officer upon request.

Reasonable excuses for an area of concern outside curfew are to/for:

- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attending a job interview or assessment for work if it is not reasonably practicable to undertake the interview or work assessment from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons, including:
 - where two people are in a relationship but do not live together,
 - to accompany another person, whom the person is visiting for compassionate reasons, when the other person is undertaking exercise in accordance with the order
 - in circumstances such as an anniversary of the death or a child or close family member, a visit to a grave. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations

FOR INTERNAL USE ONLY

- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtaining goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - the goods and services must be obtained within 5km from the person's home or temporary accommodation. If they are not reasonably available in the 5km radius, they must be obtained from another place in the area of concern, or if they are not reasonably available in the area of concern, from the closest place to the home that they are reasonably available (for an area of concern in Greater Sydney this must be in Greater Sydney).
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.
 - Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- Exercising, allowing a child who is 12 years or younger to play, supervising a child who is 12 years or younger who has left the residence to play no further than 5km from the person's place of residence
 - for a person 16 years or over who is exercising or taking a child to play or supervising a child playing must carry evidence of their name and address or temporary accommodation and produce it to police if requested
- Attending a small funeral or memorial service or gathering afterwards in the area of concern, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the area of concern it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend
- Attending a small wedding service if the person is the person recording the service or the persons legally necessary to conduct the service. For a person who is a guest attending a small wedding service in the area of concern. For a small wedding service outside the area of concern, it is only a reasonable excuse for the following to attend:

- the parent, child or sibling of one of the persons getting married; or
- the person recording the service; or
- a person who is legally necessary to conduct the service.

A small wedding service is a wedding service (but not a gathering afterwards) of no more than 5 people excluding the persons legal necessary for the service (eg persons getting married, person marrying them and witnesses) and 1 person recording the service.

A person who resides in Greater Sydney may not attend a small wedding service held outside Greater Sydney.

- Driving a person who lives in the same household, or a close family member, to or from their place of employment and their place of residence

(B) Leaving an area of concern for work

A person who is at least 16 years of age and who lives in an area of concern must not leave the area of concern for the purposes of work unless the person is an authorised worker. The list of authorised workers can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>

An authorised worker must not leave the area of concern for work without a permit issued by Service NSW. An authorised worker does not need a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel
- A person engaged by the ADF to undertake work on ADF infrastructure and vessels and must provide a letter or other document from the ADF indicating that the person is providing services to the ADF on request of a police officer.
- An officer of the Australian Security Intelligence Organisation

From 6 September 2021, an authorised worker who is at least 16 years old must not leave the area of concern for work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contraindication certificate. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

When leaving the area of concern for work the authorised worker must carry and produce evidence of the worker's name, address and vaccination for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

This does not apply to a person who has not been in the area of concern in the last 14 days.

(C) Entering an area of concern for work

A person must not enter an area of concern to carry out work in the area of concern without a permit issued by Service NSW. A person does not require a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel
- A person engaged by the ADF to undertake work on ADF infrastructure and vessels and must provide a letter or other document from the ADF indicating that the person is providing services to the ADF on request of a police officer.
- An officer of the Australian Security Intelligence Organisation

(D) Closure of premises

(i) Premises that must not be open

Premises in an area of concern that must not be open to members of the public are the same as those that apply to premises in a stay at home area. Refer above.

(ii) Premises that must not be open except in limited circumstances

Premises in an area of concern that must not be open to members of the public except in limited circumstances are the same as those that apply to premises in a stay at home area. Refer above.

(iii) Retail premises

All retail premises in an area of concern must be closed to the public except:

- chemists and pharmacies
- kiosks
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- vehicle hire premises (but not premises where vehicles are sold)
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide "click and collect" and home delivery services.

The following premises must not be open to members of the public, but may be open to trade or business customers:

- Garden centres and plant nurseries
- Hardware and building supplies
- Landscaping material supplies
- Rural supplies
- Timber yards.

(iv) Caravan parks and camping grounds

Rules around caravan parks or camping grounds in an area of concern are the same as those caravan parks or camping grounds in a stay at home area. Refer above.

(v) Exceptions

Exceptions that apply to premises in stay at home area also apply to premises in an area of concern. Refer above.

(E) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises in an area of concern (including an operator of a vehicle or vessel) is subject to the same capacity restrictions as those premises in a stay at home area. Refer above.

(ii) Holiday home or short-term rental

The occupier of premises in an area of concern must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

(iii) Place of residence

If the place of residence of a household is in an area of concern, each member of the household who is an adult must not allow a person to visit the place of residence unless the person is an authorised visitor. A person must not visit a place of residence in an area of concern area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes -

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, or the nominated visitor of the person becomes unable to be the person's nominated visitor, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives within 5 km of the person.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in an area of concern to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in an area of concern area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time.

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

(vi) Vehicles (car pooling)

A person in a vehicle in an area of concern is subject to the same limitations and requirements as a person in a vehicle in a stay at home area – refer above.

(vii) Construction sites

An occupier of a construction site in an area of concern is subject to the same requirements and obligations as an occupier of a construction site in a stay at home area.

(F) Outdoor public gatherings

A person in an area of concern must not participate in an outdoor public gathering of more than **2 persons** just like in a stay at home area.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises
- a gathering for a small funeral or memorial service, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service
- A gathering for a small wedding service, at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service.

(G) Fitted face coverings

A person over the age of 12 years in an area of concern must carry a fitted face covering unless the person is at their place of residence, just like in a stay at home area.

A person over the age of 12 years in an area of concern must wear a fitted face covering over the nose and mouth while the person is –

- in an indoor area or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service

The same exceptions that apply to the wearing of face coverings in a general area apply to areas of concern – refer above.

(H) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in an area of concern to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in an area of concern is subject to the same restrictions on singing indoors as an occupier of non-residential premises in a stay at home area. Refer above.

(iii) Property inspections and auctions

Property inspections in an area of concern are subject to the same restrictions as those in a stay at home area. Refer above.

(iv) Educational institutions

Classes, lectures, exams or other teaching or assessment sessions must not be conducted at an educational institution in an area of concern if students attend in person. This does not apply to a school or to an educational institution operated by NSW Health.

(v) Vaccinations – early education and care and disability support

From 6 September, a relevant care worker who is at least 16 years of age (certain workers in early education and care facilities and providing a disability service and whose place of residence or place of work is in an area of concern) must not enter or remain in the worker's place of work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contradiction certificate. The relevant care worker must, when entering the worker's place of work, carry and produce for inspection evidence of the person's name, address and vaccination if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Additional directions for Greater Sydney

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

(A) Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together
- Family contact arrangements
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Attending a small funeral or memorial service or gathering afterwards in Greater Sydney, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service (see specific rules for stay at home areas and areas of concern above).
- Attending a small wedding service in Greater Sydney, at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service (see specific rules for stay at home areas and areas of concern above).

Taking a holiday is NOT a reasonable excuse.

(B) Leaving Greater Sydney

(i) Testing of workers leaving Greater Sydney

A person who resides in Greater Sydney must not enter premises that are more than 50km outside of Greater Sydney for the purposes of work unless the person –

- has been tested for COVID-19 in the previous 7 days, and
- carries evidence of the test, and
- carries evidence showing the address of the person's place of residence.

For non-residential premises, the occupier must not allow the person to enter or remain on the premises unless the person satisfies the occupier that the person has been tested for COVID-19 within the previous 7 days.

The person must produce the evidence of the test for inspection by the occupier or the person's employer on request.

The person 16 years and older must, if requested to do so by a police officer, produce evidence of the test and evidence showing the person's address.

Exemption: an emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties (e.g. attending a urgent callout while on shift).

(ii) Permits for persons leaving Greater Sydney

A person who resides in Greater Sydney who:

- is moving either temporarily or permanently to a place of residence outside Greater Sydney, or
- goes more than 50km from Greater Sydney to carry out work, or
- is leaving Greater Sydney to inspect residential property

must not leave Greater Sydney without a permit issued by Service NSW.

The person must comply with the conditions included in the permit and must carry the permit and produce the permit for inspection if requested do so by a police officer.

A person does not need a permit to provide emergency services. Until 3:00pm on 25 August 2021, NSW Health staff, a person providing services to a local health district or a statutory health corporation, a staff member licensed under the Private Health Facilities Act 2007, a medical practitioner providing GP locum services and a member of the ADF are also exempt.

The following persons are exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel
- A person engaged by the ADF to undertake work on ADF infrastructure and vessels and must provide a letter or other document from the ADF indicating that the person is providing services to the ADF on request of a police officer.

An officer of the Australian Security Intelligence Organisation is exempt from the need to obtain a permit if they are travelling to carry out work, but must provide identification details to a police officer on request.

(iii) Leaving Sydney to move between homes or to inspect property

A person who resides in Greater Sydney must not leave Greater Sydney:

- to move between places of residence of the person unless the movement:
 - is for the person's work and only the person moves to the other place of residence, or
 - is for urgent maintenance or repairs or animal welfare and only 1 person moves to the other place of residence, or
- to inspect residential property unless:
 - the person has a genuine intention to reside outside Greater Sydney as soon as practicable, and
 - the person inspects the property as a potential place of residence for the person.

(iv) Carrying evidence of name and address when leaving Greater Sydney

A person who is 16 years and older who resides in Greater Sydney and who is outside Greater Sydney must:

- carry evidence showing the address of the person's name and place of residence, and
- produce the evidence for inspection if requested to do so by a police officer.

(C) Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site's current resourcing plan (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist.

(i) Vaccination required to work on construction sites in Greater Sydney

A person whose place of residence or temporary accommodation is in an area of concern must not enter or remain on a construction site in Greater Sydney unless the person:

- has had 2 doses of a COVID-19 vaccine, or
- has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- has had 1 dose of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- has a medical contraindication certificate issued to them and has been tested for COVID-19 in the 72 hours before being on site. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person's employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The 'required evidence' includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Other directions applying to all areas

(D) Answering questions from contact tracers and providing other information

A person must, if requested by an authorised contact tracer:

- answer questions or provide other information about the person's movement, and
- provide the person's contact details.

A person must provide true and accurate evidence or information to a contact tracer.

A person must also provide true and accurate evidence and information in response to a request under the order or to Service NSW.

(E) Responses to police requests about who is in COVID-19 risk premises

A '**COVID-19 risk premises**' is a residence or place at which a person diagnosed with COVID-19 or a close contact is residing.

A person who is residing or present at a COVID-19 risk premises must respond to any request made by a police officer for information about who is residing or present at the premises.

If a police officer knocks at a door of a COVID-19 risk premises, a resident is required to open the door and comply with the request of the officer. A request for information by the officer may include a request to provide the name and contact details of persons residing or present at the premises, whether at the time of the request or generally.

(F) Travelling through State

This Order does not apply to a person merely because the person:

- travels through the State in a vehicle if the person does not leave the vehicle while in the State, or
- enters the State by road and then travels through the State by the most practicable direct route, or
- enters the State by air and does not leave the airport while in the State, or
- enters the State by vessel or aircraft and then travels directly from the port or airport at which the persons arrived to leave the State by the most practicable direct route, or
- enters the State to travel to a port or airport to leave the State and then travels to the port or airport by the most practicable direct route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Schedule A: Exempted gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine or of the commercial vessel
- 11 Gathering at a school, university or other educational institution or childcare 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 St 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

Schedule B: COVID-19 safe outdoor gatherings and controlled outdoor public gatherings

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

A **COVID-19 safe outdoor gathering** is a gathering where the organiser:

- has and complies with the appropriate COVID-19 Safety Plan, and
- keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.

The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:

- the number permitted by the 4 sqm rule for the premises, or
- 5,000 persons.

These rules do not apply to:

- a gathering for which a COVID-19 Safety Plan is required (see table below)
- an exempted gathering listed in Annexure A of this Fact Sheet,
- a gathering to provide emergency assistance to a person or persons,
- an agricultural show or agricultural field day,
- a controlled outdoor public gathering.

A **controlled outdoor public gathering** is:

- held in an area that is enclosed or bounded by fencing or another form of barrier, and requires a ticket to enter, and
- all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.

The restrictions on controlled outdoor public gatherings do not apply to:

- a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
- a gathering listed in **Schedule A** (exempted gatherings)

The organiser of a controlled public gathering must:

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- ensure the above requirements are met
- have and comply with the appropriate COVID-19 Safety Plan, and
- keep a copy of the COVID-19 Safety Plan and make it available for inspection.

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No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	Construction sites in Greater Sydney
12	COVID-19 safe outdoor public gatherings
13	Controlled outdoor public gatherings
14	Crematoria
15	Drive-in cinemas
16	Entertainment facilities
17	Food and drink premises (other than food courts)
18	Food courts
19	Function centres
20	Funeral homes
21	Funerals and memorial services and gatherings after funerals and memorial services
22	Information and education facilities
23	Large residential gatherings

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24	Markets
25	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
26	Nightclubs
27	Party buses
28	Places of public worship and religious services on other premises
29	Places of residence, holiday homes and short-term rentals with more than 100 visitors
30	Properties operated by the National Trust or the Historic Houses Trust
31	Public swimming pools (excluding natural swimming pools)
32	Pubs, small bars, registered clubs and nightclubs
33	Recreation facilities (indoor)
34	Recreation facilities (major)
35	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
36	Sex services premises
37	Short-term rental or tourist and visitor accommodation on Lord Howe Island
38	Strip clubs
39	Vessels used for hosting functions or for commercial tours
40	Wedding services and gatherings after wedding services
41	Zoological parks and reptile parks

Notes on police powers

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

Powers generally

- Unless otherwise provided for in this Order, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPR. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPR, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPR allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPR if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

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TOPIC	PENALTY NOTICE	OFFENCE CODE	REG CODE	PENALTY AMOUNT
FACE COVERINGS - CHILDREN	15 years old or younger not wear/carry fitted face covering	97105	Reg Code HZZ	\$40
*Remember a child under 12 can not be infringed for face covering offences as they are exempt.	16 or 17 years old not wear/carry fitted face covering	97104	Reg Code PUW	\$80
FACE COVERINGS - ADULT	Not wear fitted face covering in retail/business premises	96587	Reg Code YLL	\$500
	Not wear fitted face covering in licensed gaming area	96588	Reg Code EIJ	\$500
	Not wear fitted face covering in entertainment facility	96589	Reg Code QLU	\$500
	Not wear fitted face covering in place of public worship etc	96590	Reg Code CRL	\$500
	Not wear fitted face covering residential aged care facility	96591	Reg Code OXS	\$500
	Not wear fitted face covering public transport waiting area	96592	Reg Code FIQ	\$500
	Not wear fitted face covering in public transport/taxi etc	96593	Reg Code XFT	\$500
	Not wear fitted face covering - hospitality venue worker	96594	Reg Code SBR	\$500
	Operator not ensure hospitality workers wear fitted face coverings - individual	96595	Reg Code WAN	\$1,000
>> Corporation Only >>	Operator not ensure hospitality workers wear fitted face coverings - corporation	896595	Reg Code EJO	\$5,000
	Not wear face covering in indoor area of non-residential premises	96953	Reg Code OPI	\$500
	Not wear fitted face covering in prescribed outdoor gathering	96954	Reg Code HSY	\$500
	Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001	Reg Code MME	\$500
	Fail to comply with any other wear face covering directive – individual	96960	Reg Code GYJ	\$500
Outdoor Gatherings	Not comply with outdoor public gatherings direction (stay at home area)	97721	Reg Code VKB	\$3,000
	Not comply with outdoor public gatherings direction (area of concern)	97722	Reg Code BFO	\$3,000

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Curfew (9pm-5am) Area of concern	Not comply with curfew – area of concern – individual	97729	Reg Code UGR	\$1,000
>> Corporation Only >>	Not comply with curfew – area of concern - corporation	897729	Reg Code NHU	\$5,000
Contact Tracer and Service NSW Requirements	Fail to answer questions from contact tracers and provide details as prescribed	97723	Reg Code XAM	\$5,000
	Not ensure true and accurate information provided to authorised contact tracer	97725	Reg Code AQN	\$5,000
	Not ensure true and accurate information provided to Service NSW	97724	Reg Code CCU	\$5,000
Working from Home	Employer fail to require employee to work from home (stay at home area) – Individual	97711	Reg Code TTA	\$2,000
	Employer fail to require employee to work from home (area of concern) – Individual	97712	Reg Code HSU	\$2,000
>> Corporation Only >>	Employer fail to require employee to work from home (stay at home area) – Corporation	897711	Reg Code KKV	\$10,000
>> Corporation Only >>	Employer fail to require employee to work from home (area of concern) – Corporation	897712	Reg Code IXQ	\$10,000
Construction Sites	Enter/remain on construction site not vaccinated/tested as prescribed – individual	97246	Reg Code EUG	\$2,000
>> Corporation Only >>	Enter/remain on construction site not vaccinated/tested as prescribed – corporation	897246	Reg Code TFF	\$10,000
	Occupier of construction site permit unlawful entry etc – individual	97248	Reg Code PXP	\$2,000
>> Corporation Only >>	Occupier of construction site permit unlawful entry etc – corporation	897248	Reg Code TKY	\$10,000
	Enter/remain on construction site not have/produce prescribed evidence – individual	97247	Reg Code XXT	\$2,000
>> Corporation Only >>	Enter/remain on construction site not have/produce prescribed evidence – corporation	897247	Reg Code FZH	\$10,000
Testing Workers	Not comply with requirements for testing workers leaving Greater Sydney	97715	Reg Code CKZ	\$3,000
Leave Greater Sydney	Leave Greater Sydney for prescribed purposes without permit	97716	Reg Code KAA	\$3,000

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	Leave Greater Sydney to unlawfully move between homes or inspect property	97717	Reg Code LFJ	\$3,000
	Person 16 years and over not carry identification evidence outside Greater Sydney	97718	Reg Code FFW	\$3,000
	Person 16 years and over not carry permit outside Greater Sydney	97719	Reg Code PJO	\$3,000
	Person relying on permit not comply with permit conditions	97720	Reg Code HUK	\$3,000
Any Other Breach Not Listed	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order by an Individual)	95638	Reg Code ZZE	\$1,000
>> Corporation Only >>	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – CORPORATION (this is the offence for any other breach of this Order by a Corporation)	895638	Reg Code YUW	\$5,000

COURT ATTENDANCE NOTICE	LAW PART CODE	PENALTY
15 years old or younger not wear/carry fitted face covering	97105	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
16 or 17 years old not wear/carry fitted face covering	97104	
Not wear fitted face covering in retail/business premises	96587	

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Not wear fitted face covering in licensed gaming area	96588		
Not wear fitted face covering in entertainment facility	96589		
Not wear fitted face covering in place of public worship etc	96590		
Not wear fitted face covering residential aged care facility	96591		
Not wear fitted face covering public transport waiting area	96592		
Not wear fitted face covering in public transport/taxi etc	96593		
Not wear fitted face covering - hospitality venue worker	96594		
Operator not ensure hospitality workers wear fitted face coverings - individual or corporation	96595		
Not wear face covering in indoor area of non-residential premises	96953		
Not wear fitted face covering in prescribed outdoor gathering	96954		
Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001		
Fail to comply with any other wear face covering directive – individual or corporation	96960		
Not comply with outdoor public gatherings direction (stay at home area)	97721		
Not comply with outdoor public gatherings direction (area of concern)	97722		

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Not comply with curfew – area of concern – individual or corporation	97729		
Fail to answer questions from contact tracers and provide details as prescribed	97723		
Not ensure true and accurate information provided to authorized contact tracer	97725		
Not ensure true and accurate information provided to Service NSW	97724		
Employer fail to require employee to work from home (stay at home area) – individual or corporation	97711		
Employer fail to require employee to work from home (area of concern) – individual or corporation	97712		
Enter/remain on construction site not vaccinated/tested as prescribed – individual or corporation	97246		
Enter/remain on construction site not have/produce prescribed evidence – individual or corporation	97247		
Occupier of construction site permit unlawful entry etc – individual or corporation	97248		
Not comply with requirements testing workers leaving Greater Sydney	97715		
Leave Greater Sydney for prescribed purposes without permit	97716		

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Leave Greater Sydney to unlawfully move between homes or inspect property	97717		
Person 16 years and over not carry identification evidence outside Greater Sydney	97718		
Person 16 years and over not carry permit outside Greater Sydney	97719		
Person relying on permit not comply with permit conditions	97720		
95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual or corporation	95638		

Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021

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Additional Restrictions for Delta Outbreak

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021 commenced 21 August 2021.

Restrictions applicable to an area in NSW is based on the LEVEL of Risk that applies to that area. There are 3 areas: **The general area**, the **stay at home area** and the **area of concern**.

General area: the whole of the State is in the general area other than an area that is a stay at home area or an area of concern

Stay at home area: Greater Sydney other than a part of Greater Sydney listed as an area of concern (until the beginning of 1 October 2021); and

Regional NSW other than a part of the regional NSW area that is an area of concern (until the beginning of 11 September 2021)

Areas of concern: LGAs of Bayside, City of Blacktown, Burwood, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool, City of Parramatta, Strathfield, and the following suburbs within the City of Penrith (Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys) - (until the beginning of 1 October 2021);

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

Directions applying to the general area

(A) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises (including an operator of a vehicle or vessel) in the general area must not allow more than the greater of 25 persons or the 4 sqm rule on the premises.

This **does not apply to:**

- a place of residence, holiday home or short-term rental
- an entertainment facility

- a recreation facility (major)
- a group class at a gym or a group dance class at a recreation facility (indoor)
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person and the number of persons on the premises, the following are not included:

- any person engaged in work for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

(ii) Holiday home or short-term rental

An occupier of premises in the general area must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commits an offence if there are more than 5 persons present.

(iii) Place of residence

Each adult member of a household in the general area must not allow more than **5 visitors** at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to contact arrangements between a parent and child or between children who are siblings who do not live in the same household
- there because of an emergency or for compassionate reasons or a person avoiding injury or

illness or to escape a risk of harm

- inspecting the place of residence for sale or lease or participating in an auction of the place of residence
- at the place of residence to attend a funeral, memorial or wedding service or gathering afterwards.

(iv) Entertainment facility or recreation facility (major)

The occupier of an **entertainment facility** in the general area must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** in the general area must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule of unfixed seating OR the 4sqm rule in the facility.

If an entertainment facility relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats. This is also the case for a recreation facility (major) that relies on the total of 50% of the fixed seating capacity plus the 4sqm rule calculation.

(v) Gymnasium and recreation facility (indoor)

The occupier of a gymnasium in the general area must not allow more than 20 persons to attend a group class at the gymnasium.

The occupier of a recreation facility (indoor) in the general area must not allow more than 20 persons to attend a group dance class at the facility.

(B) Fitted face coverings

A person over 12 years old in the general area must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (see **Schedule B** for information on these types of gatherings)
- working at a hospitality venue and dealing directly with members of the public.

The operator of a hospitality venue in the general area must ensure all persons working at the venue comply with this requirement.

There are a number of **exemptions** to these face covering rules:

- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. A person must carry and provide a police officer for inspection on request:
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working if the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or enunciation and visibility of the person's mouth is essential or the work is in an indoor area and no other person is present or the work is at a school
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- in a vehicle where no other person is in the vehicle except a member of the person's household or the person's nominated visitor
- in a hotel, motel or other accommodation as a guest and the person is in their room
- the person is a student at a school
- the person is in a public hospital or private health facility as a patient
- a resident in a residential aged care facility
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in the process of getting married

(C) Miscellaneous

(i) Working from home

An employer must allow an employee whose place of residence is in the general area to work at the employee's place of residence if it is reasonably practicable to do so.

(ii) Singing indoors

The occupier of premises in a general area must not allow a person to sing in an indoor area. This does **not** apply to –

- a place of residence

- an educational establishment
- a performer who is performing or rehearsing
- a person who is engaged in instruction in singing

(iii) Dancing indoors at a hospitality venue or nightclub

The occupier of premises in the general area that is a hospitality venue or a nightclub must not allow a person to dance in an indoor area. This does **not** apply to dancing at a wedding if:

- the persons dancing are members of the wedding party, and
- no more than 20 persons dance at any one time.

(iv) Consuming alcohol while seated only

The occupier of premises in the general area must not allow a person to consume alcohol in an indoor area unless the person is seated. This does **not** apply to a place of residence.

Directions applying to **stay at home areas**

(A) Staying at home

A person who has been in a stay at home area at any time while the area was identified as a stay at home area must not, without reasonable excuse be away from the person's home wherever located, or temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in a stay at home area during the previous 14 days.

If requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for a stay at home area are to/for:

- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attending a job interview or assessment for work if it is not reasonably practicable to undertake the interview or work assessment from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood

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- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons, including:
 - -where two people are in a relationship but do not live together,
 - to accompany another person, whom the person is visiting for compassionate reasons, when the other person is undertaking exercise or outdoor recreation
 - in circumstances such as an anniversary of the death of a child or close family member, a visit to a grave. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtain food, goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA or no further than 5km from the person's home or temporary accommodation and not in an area of concern
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request
 - only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted

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- Exercise or outdoor recreation if:
 - undertaken within the person's LGA or in another LGA no further than 5km from the person's home or temporary accommodation
 - for a person 16 years and over, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people.
- Attending a small funeral or memorial service or gathering afterwards in the stay at home area, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the stay at home area it is only a reasonable excuse if the person is the spouse, de facto partner, parent, child or sibling of the deceased person.
- Attending a small wedding service if the person is the person recording the service or the persons legally necessary to conduct the service. For a person who is a guest attending a small wedding service in the stay at home area. For a small wedding service outside the stay at home area, it is only a reasonable excuse for the following to attend:
 - the parent, child or sibling of one of the persons getting married; or
 - the person recording the service; or
 - a person who is legally necessary to conduct the service.

A small wedding service is a wedding service (but not a gathering afterwards) of no more than 5 people excluding the persons legal necessary for the service (eg persons getting married, person marrying them and witnesses) and 1 person recording the service.

A person who resides in Greater Sydney may not attend a small wedding service held outside Greater Sydney.

- A Rabbi or person nominated by the NSW Jewish Board of Deputies may leave their residence to blow the Shofar (a religious horn) between 8am and 5pm for 10 minutes at a time, up to a maximum of 3 hours per day, on 7, 8, 15 and 16 September 2021. This is only an excuse if the Shofar is being blown in an outdoor area which is not in an Area of Concern, and which is an Exempt Area as nominated by the NSW Jewish Board of Deputies. Police should contact the Police Operations Centre if they wish to confirm whether a particular person has been nominated to blow the Shofar, or whether a particular area has been nominated as an Exempt Area.

Taking a holiday is NOT a reasonable excuse

Note: Coastal waters are part of the closest LGA.

(B) Closure of premises

(i) Premises that must not be open

The following premises in a stay at home area must not be open to members of the public:

- amusement centres
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses
- betting agencies
- markets that do not predominantly sell food
- gaming lounges
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property operated by the National Trust or the Historic Houses Trust
- sex services premises
- sex on premises venues
- strip clubs

(ii) Premises that must not be open except in limited circumstances

The following premises in a stay at home area must not be open to members of the public except as provided:

- entertainment facilities
- food and drink premises, other than cafeterias in workplaces
- information and education facilities
- micro-breweries or small distilleries holding a drink on premises authorization under the Liquor Act 2007 or cellar door premises
- places of public worship
- pubs, clubs and casinos
- recreation facilities (indoor)

These premises may be open:

- to sell food or beverages off premises or in a shopping centre outside the shopping centre
- if the premises are part of hotel or motel accommodation to provide accommodation including providing food and beverages to guests to consume in their rooms
- to hold a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- to hold a small wedding service (but not a gathering after a wedding service) at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service.
- to provide educational services or childcare

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

(iii) Retail premises

All retail premises in a stay at home area must be closed to the public except:

- chemists and pharmacies
- garden centres and plant nurseries
- hardware and building supplies
- kiosks
- landscaping material supplies
- rural supplies
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide "click and collect" and home delivery services.

(iv) Caravan parks and camping grounds

Caravan parks or camping grounds must not be open to the public in the stay at home area except to:

- provide accommodation to the following:
 - permanent residents of the premises,
 - overnight travelers,
 - persons working in the local area,
 - persons who have no permanent place of residence, and
- allow persons to visit a person who is staying in accommodation on the premises

A person can stay in accommodation if the person –

- was staying at the premises before the relevant date (the date the area was included as a stay at home area), and
- is still staying there under a booking made before the relevant date that has not been extended after that date.

A person can also stay in caravan park or camping ground accommodation if the person's place of residence is outside NSW, and the person is unable to return to their residence because of the closure of state borders and/or restrictions on returning travellers.

(v) Exceptions

Nothing prevents premises in a stay at home area to be open:

- 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 people, or
- as an early education and care facility.

(C) Maximum number of persons permitted on premises

(i) Generally

The occupier of premises in a stay at home area (including an operator of a vehicle or vessel) must not allow more persons than the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence, holiday home or short-term rental
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

(ii) Holiday home or short-term rental

The occupier of premises in a stay at home area must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence for the purposes of this Order.

(iii) Place of residence

Each member of the household who is an adult must not allow a person to visit the household unless the person is an authorised visitor. A person must not visit a home in a stay at home area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes –

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, or the nominated visitor of the person becomes unable to be the person's nominated visitor, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives in the stay at home area but not an area of concern.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in a stay at home area to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in a stay at home area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time, or
- it is carried out in an indoor area of a home, and the work is not necessary, no more than 2 workers are in an indoor area of the place of residence at any 1 time, and no person, other than another worker, is in the same room as the worker

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

Vehicles (car pooling)

A person must not be in a vehicle in a stay at home area with another person other than someone from their household or the person's nominated visitor.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request.

None of the above car pooling restrictions apply to a vehicle being used to engage in work (such as police cars), for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

None of the above car pooling restrictions apply to vehicles arranged by an employer to transport staff between their home and work, where that vehicle has a Service NSW QR code and either openable windows or a ventilation system set to circulate air from outside the vehicle. This exemption is subject to the condition that each person in the vehicle:

- resides in a regional NSW area; and
- has not been in Greater Sydney in the previous 14 days; and
- has had at least 1 dose of a COVID-19 vaccine, or is booked to have at least 1 dose on or before 10 September 2021; and
- is wearing a fitted face covering at all times while in the vehicle; and
- takes reasonably practicable steps to ensure that the vehicle's windows are down; and
- has registered their contact details when entering the vehicle, either through registering on the Service NSW app using their own phone, having another person register them through the Service NSW app, or (if they are not able to register with the Service NSW app) by providing their details to the vehicle driver.

(D) Outdoor public gatherings

A person must not participate in an outdoor public gathering in a stay at home area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons carrying out work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)

- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises
- a gathering for a small funeral or memorial service, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service.
- A gathering for a small wedding service, at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service.

(E) Fitted face coverings

A person over the age of 12 years in a stay at home area must carry a fitted face covering unless the person is at their place of residence.

A person over the age of 12 years in a stay at home area must wear a fitted face covering (over both the nose and mouth) at all times while in settings that also apply to the general area – refer to *fitted face coverings* in the **general area**.

In addition, a person in a stay at home area must wear a fitted face covering:

- in an indoor or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service.

The operator of a hospitality venue in a stay at home area must ensure all persons working at the venue comply with these rules.

The same exceptions that apply to the wearing of face coverings in the general area apply to a stay at home area. In addition, a person is allowed to remove their face covering in a stay at home area if they are engaging in physical exercise.

(F) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in a stay at home area to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in a stay at home area must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in an education establishment, or
- the persons are singing for the purpose of instruction in singing.

(iii) Property inspections

A person must not conduct an open inspection of real estate in a stay at home area for the sale or lease of the real estate in a stay at home area where people attend in person.

This does not prevent a person carrying out an inspection of real estate if—

- the person has made an appointment to carry out the inspection, and
- no more than 1 person inspects the real estate at any 1 time.

(iv) Auctions

A person must not conduct an auction at premises in a stay at home area at which persons attend in persons.

An auction for food supply, or livestock, fibre or crops is exempt from this direction and can continue to be open to the public for this purpose.

Directions applying to areas of concern

(A) Staying at home

A person whose place of residence is in an area of concern must not, without reasonable excuse be away from the person's home, or be away from the temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in an area of concern area during the previous 14 days.

Curfew: A person in an area of concern is not able to be away from their home between the hours of 9pm on a day and 5am on the following day other than for the purposes of work, arranging childcare, medical reasons or donating blood, providing care to others, emergencies, animal welfare and legal obligations as outlined below.

If requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

A person is **exempt** from the curfew to drive a person who lives in the same household, or a close family member, or a person who is in a relationship with the person, to or from their place of employment and their home by the most practicable direct route. A person must provide details of the place of employment of the family or household member to a police officer upon request.

Reasonable excuses for an area of concern outside curfew are to/for:

- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attending a job interview or assessment for work if it is not reasonably practicable to undertake the interview or work assessment from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons, including:
 - where two people are in a relationship but do not live together,
 - to accompany another person, whom the person is visiting for compassionate reasons, when the other person is undertaking exercise in accordance with the order
 - in circumstances such as an anniversary of the death of a child or close family member, a visit to a grave. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations

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- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtaining goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - the goods and services must be obtained within 5km from the person's home or temporary accommodation. If they are not reasonably available in the 5km radius, they must be obtained from another place in the area of concern, or if they are not reasonably available in the area of concern, from the closest place to the home that they are reasonably available (for an area of concern in Greater Sydney this must be in Greater Sydney).
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.
 - Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- Exercising, allowing a child who is 12 years or younger to play, supervising a child who is 12 years or younger who has left the residence to play no further than 5km from the person's place of residence
 - for a person 16 years or over who is exercising or taking a child to play or supervising a child playing must carry evidence of their name and address or temporary accommodation and produce it to police if requested
- Attending a small funeral or memorial service or gathering afterwards in the area of concern, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the area of concern it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend
- Attending a small wedding service if the person is the person recording the service or the persons legally necessary to conduct the service. For a person who is a guest attending a small wedding service in the area of concern. For a small wedding service outside the area of concern, it is only a reasonable excuse for the following to attend:

- the parent, child or sibling of one of the persons getting married; or
- the person recording the service; or
- a person who is legally necessary to conduct the service.

A small wedding service is a wedding service (but not a gathering afterwards) of no more than 5 people excluding the persons legal necessary for the service (eg persons getting married, person marrying them and witnesses) and 1 person recording the service.

A person who resides in Greater Sydney may not attend a small wedding service held outside Greater Sydney.

- Driving a person who lives in the same household, or a close family member, to or from their place of employment and their place of residence

(B) Leaving an area of concern for work

A person who is at least 16 years of age and who lives in an area of concern must not leave the area of concern for the purposes of work unless the person is an authorised worker. The list of authorised workers can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>

An authorised worker must not leave the area of concern for work without a permit issued by Service NSW. An authorised worker does not need a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel
- A person engaged by the ADF to undertake work on ADF infrastructure and vessels and must provide a letter or other document from the ADF indicating that the person is providing services to the ADF on request of a police officer.
- An officer of the Australian Security Intelligence Organisation

From 9 September 2021, an authorised worker who is at least 16 years old must not leave the area of concern for work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contraindication certificate. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

When leaving the area of concern for work the authorised worker must carry and produce evidence of the worker's name, address and vaccination for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Between 9-19 September 2021, the requirements above will be satisfied if the authorized worker has an appointment to receive the COVID-19 vaccine on or before 19 September 2021 and produces evidence of the appointment for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

This does not apply to a person who has not been in the area of concern in the last 14 days.

(C) Entering an area of concern for work

A person must not enter an area of concern to carry out work in the area of concern without a permit issued by Service NSW. A person does not require a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel
- A person engaged by the ADF to undertake work on ADF infrastructure and vessels and must provide a letter or other document from the ADF indicating that the person is providing services to the ADF on request of a police officer.
- An officer of the Australian Security Intelligence Organisation

(D) Closure of premises

(i) Premises that must not be open

Premises in an area of concern that must not be open to members of the public are the same as those that apply to premises in a stay at home area. Refer above.

(ii) Premises that must not be open except in limited circumstances

Premises in an area of concern that must not be open to members of the public except in limited circumstances are the same as those that apply to premises in a stay at home area. Refer above.

(iii) Retail premises

All retail premises in an area of concern must be closed to the public except:

- chemists and pharmacies
- kiosks
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- vehicle hire premises (but not premises where vehicles are sold)
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide "click and collect" and home delivery services.

The following premises must not be open to members of the public, but may be open to trade or business customers:

- Garden centres and plant nurseries
- Hardware and building supplies
- Landscaping material supplies
- Rural supplies
- Timber yards.

(iv) Caravan parks and camping grounds

Rules around caravan parks or camping grounds in an area of concern are the same as those caravan parks or camping grounds in a stay at home area. Refer above.

(v) Exceptions

Exceptions that apply to premises in stay at home area also apply to premises in an area of concern. Refer above.

(E) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises in an area of concern (including an operator of a vehicle or vessel) is subject to the same capacity restrictions as those premises in a stay at home area. Refer above.

(ii) Holiday home or short-term rental

The occupier of premises in an area of concern must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

(iii) Place of residence

If the place of residence of a household is in an area of concern, each member of the household who is an adult must not allow a person to visit the place of residence unless the person is an authorised visitor. A person must not visit a place of residence in an area of concern area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes -

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, or the nominated visitor of the person becomes unable to be the person's nominated visitor, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives within 5 km of the person.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in an area of concern to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in an area of concern area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time.

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

(vi) Vehicles (car pooling)

A person in a vehicle in an area of concern is subject to the same limitations and requirements as a person in a vehicle in a stay at home area – refer above.

(vii) Construction sites

An occupier of a construction site in an area of concern is subject to the same requirements and obligations as an occupier of a construction site in a stay at home area.

(F) Outdoor public gatherings

A person in an area of concern must not participate in an outdoor public gathering of more than **2 persons** just like in a stay at home area.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises
- a gathering for a small funeral or memorial service, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service
- A gathering for a small wedding service, at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service.

(G) Fitted face coverings

A person over the age of 12 years in an area of concern must carry a fitted face covering unless the person is at their place of residence, just like in a stay at home area.

A person over the age of 12 years in an area of concern must wear a fitted face covering over the nose and mouth while the person is –

- in an indoor area or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service

The same exceptions that apply to the wearing of face coverings in a general area apply to areas of concern – refer above.

(H) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in an area of concern to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in an area of concern is subject to the same restrictions on singing indoors as an occupier of non-residential premises in a stay at home area. Refer above.

(iii) Property inspections and auctions

Property inspections in an area of concern are subject to the same restrictions as those in a stay at home area. Refer above.

(iv) Educational institutions

Classes, lectures, exams or other teaching or assessment sessions must not be conducted at an educational institution in an area of concern if students attend in person. This does not apply to a school or to an educational institution operated by NSW Health.

(v) Vaccinations – early education and care and disability support

From 9 September, a relevant care worker who is at least 16 years of age (certain workers in early education and care facilities and providing a disability service and whose place of residence or place of work is in an area of concern) must not enter or remain in the worker's place of work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contradiction certificate. The relevant care worker must, when entering the worker's place of work, carry and produce for inspection evidence of the person's name, address and vaccination if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Between 9-19 September 2021, the requirements above will be satisfied if the relevant care worker has an appointment to receive the COVID-19 vaccine on or before 19 September 2021 and produces evidence of the appointment for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Additional directions for Greater Sydney

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

(A) Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together
- Family contact arrangements
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Attending a small funeral or memorial service or gathering afterwards in Greater Sydney, at which there are no more than 10 persons excluding the person conducting the service and

others necessary for the conduct and preparation of the service (see specific rules for stay at home areas and areas of concern above).

- Attending a small wedding service in Greater Sydney, at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service (see specific rules for stay at home areas and areas of concern above).

Taking a holiday is NOT a reasonable excuse.

(B) Leaving Greater Sydney

(i) Testing of workers leaving Greater Sydney

A person who resides in Greater Sydney must not enter premises that are more than 50km outside of Greater Sydney for the purposes of work unless the person –

- has been tested for COVID-19 in the previous 7 days, and
- carries evidence of the test, and
- carries evidence showing the address of the person's place of residence.

For non-residential premises, the occupier must not allow the person to enter or remain on the premises unless the person satisfies the occupier that the person has been tested for COVID-19 within the previous 7 days.

The person must produce the evidence of the test for inspection by the occupier or the person's employer on request.

The person 16 years and older must, if requested to do so by a police officer, produce evidence of the test and evidence showing the person's address.

Exemption: an emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties (e.g. attending a urgent callout while on shift).

(ii) Permits for persons leaving Greater Sydney

A person who resides in Greater Sydney who:

- is moving either temporarily or permanently to a place of residence outside Greater Sydney, or
- goes more than 50km from Greater Sydney to carry out work, or
- is leaving Greater Sydney to inspect residential property

must not leave Greater Sydney without a permit issued by Service NSW.

The person must comply with the conditions included in the permit and must carry the permit and produce the permit for inspection if requested do so by a police officer.

A person does not need a permit to provide emergency services. Until 3:00pm on 25 August 2021, NSW Health staff, a person providing services to a local health district or a statutory health corporation, a staff member licensed under the Private Health Facilities Act 2007, a medical practitioner providing GP locum services and a member of the ADF are also exempt.

The following persons are exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel
- A person engaged by the ADF to undertake work on ADF infrastructure and vessels and must provide a letter or other document from the ADF indicating that the person is providing services to the ADF on request of a police officer.

An officer of the Australian Security Intelligence Organisation is exempt from the need to obtain a permit if they are travelling to carry out work, but must provide identification details to a police officer on request.

(iii) Leaving Sydney to move between homes or to inspect property

A person who resides in Greater Sydney must not leave Greater Sydney:

- to move between places of residence of the person unless the movement:
 - is for the person's work and only the person moves to the other place of residence, or
 - is for urgent maintenance or repairs or animal welfare and only 1 person moves to the other place of residence, or
- to inspect residential property unless:

- the person has a genuine intention to reside outside Greater Sydney as soon as practicable, and
- the person inspects the property as a potential place of residence for the person.

(iv) Carrying evidence of name and address when leaving Greater Sydney

A person who is 16 years and older who resides in Greater Sydney and who is outside Greater Sydney must:

- carry evidence showing the address of the person's name and place of residence, and
- produce the evidence for inspection if requested to do so by a police officer.

(C) Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site's current resourcing plan (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist.

(i) Vaccination required to work on construction sites in Greater Sydney

A person whose place of residence or temporary accommodation is in an area of concern must not enter or remain on a construction site in Greater Sydney unless the person:

- has had 2 doses of a COVID-19 vaccine, or
- has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- has had 1 does of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- has a medical contraindication certificate issued to them and has been tested for COVID-19 in the 72 hours before being on site. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person's employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The 'required evidence' includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Other directions applying to all areas

(D) Answering questions from contact tracers and providing other information

A person must, if requested by an authorised contact tracer:

- answer questions or provide other information about the person's movement, and
- provide the person's contact details.

A person must provide true and accurate evidence or information to a contact tracer.

A person must also provide true and accurate evidence and information in response to a request under the order or to Service NSW.

(E) Responses to police requests about who is in COVID-19 risk premises

A '**COVID-19 risk premises**' is a residence or place at which a person diagnosed with COVID-19 or a close contact is residing.

A person who is residing or present at a COVID-19 risk premises must respond to any request made by a police officer for information about who is residing or present at the premises.

If a police officer knocks at a door of a COVID-19 risk premises, a resident is required to open the door and comply with the request of the officer. A request for information by the officer may include a request to provide the name and contact details of persons residing or present at the premises, whether at the time of the request or generally.

(F) Travelling through State

This Order does not apply to a person merely because the person:

- travels through the State in a vehicle if the person does not leave the vehicle while in the State, or
- enters the State by road and then travels through the State by the most practicable direct route, or
- enters the State by air and does not leave the airport while in the State, or
- enters the State by vessel or aircraft and then travels directly from the port or airport at which the persons arrived to leave the State by the most practicable direct route, or
- enters the State to travel to a port or airport to leave the State and then travels to the port or airport by the most practicable direct route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Schedule A: Exempted gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine or of the commercial vessel
- 11 Gathering at a school, university or other educational institution or childcare 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 St 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

Schedule B: COVID-19 safe outdoor gatherings and controlled outdoor public gatherings

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

A **COVID-19 safe outdoor gathering** is a gathering where the organiser:

- has and complies with the appropriate COVID-19 Safety Plan, and
- keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.

The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:

- the number permitted by the 4 sqm rule for the premises, or
- 5,000 persons.

These rules do not apply to:

- a gathering for which a COVID-19 Safety Plan is required (see table below)
- an exempted gathering listed in Annexure A of this Fact Sheet,
- a gathering to provide emergency assistance to a person or persons,
- an agricultural show or agricultural field day,
- a controlled outdoor public gathering.

A **controlled outdoor public gathering** is:

- held in an area that is enclosed or bounded by fencing or another form of barrier, and requires a ticket to enter, and
- all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.

The restrictions on controlled outdoor public gatherings do not apply to:

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- a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
- a gathering listed in **Schedule A** (exempted gatherings)

The organiser of a controlled public gathering must:

- ensure the above requirements are met
- have and comply with the appropriate COVID-19 Safety Plan, and
- keep a copy of the COVID-19 Safety Plan and make it available for inspection.

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No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	Construction sites in Greater Sydney
12	COVID-19 safe outdoor public gatherings
13	Controlled outdoor public gatherings
14	Crematoria
15	Drive-in cinemas
16	Entertainment facilities
17	Food and drink premises (other than food courts)
18	Food courts
19	Function centres
20	Funeral homes
21	Funerals and memorial services and gatherings after funerals and memorial services
22	Information and education facilities
23	Large residential gatherings

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24	Markets
25	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises
26	Nightclubs
27	Party buses
28	Places of public worship and religious services on other premises
29	Places of residence, holiday homes and short-term rentals with more than 100 visitors
30	Properties operated by the National Trust or the Historic Houses Trust
31	Public swimming pools (excluding natural swimming pools)
32	Pubs, small bars, registered clubs and nightclubs
33	Recreation facilities (indoor)
34	Recreation facilities (major)
35	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
36	Sex services premises
37	Short-term rental or tourist and visitor accommodation on Lord Howe Island
38	Strip clubs
39	Vessels used for hosting functions or for commercial tours
40	Wedding services and gatherings after wedding services
41	Zoological parks and reptile parks

Notes on police powers

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

Powers generally

- Unless otherwise provided for in this Order, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPR. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPR, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPR allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPR if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

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TOPIC	PENALTY NOTICE	OFFENCE CODE	REG CODE	PENALTY AMOUNT
FACE COVERINGS - CHILDREN	15 years old or younger not wear/carry fitted face covering	97105	Reg Code HZZ	\$40
*Remember a child under 12 can not be infringed for face covering offences as they are exempt.	16 or 17 years old not wear/carry fitted face covering	97104	Reg Code PUW	\$80
FACE COVERINGS - ADULT	Not wear fitted face covering in retail/business premises	96587	Reg Code YLL	\$500
	Not wear fitted face covering in licensed gaming area	96588	Reg Code EIJ	\$500
	Not wear fitted face covering in entertainment facility	96589	Reg Code QLU	\$500
	Not wear fitted face covering in place of public worship etc	96590	Reg Code CRL	\$500
	Not wear fitted face covering residential aged care facility	96591	Reg Code OXS	\$500
	Not wear fitted face covering public transport waiting area	96592	Reg Code FIQ	\$500
	Not wear fitted face covering in public transport/taxi etc	96593	Reg Code XFT	\$500
	Not wear fitted face covering - hospitality venue worker	96594	Reg Code SBR	\$500
	Operator not ensure hospitality workers wear fitted face coverings - individual	96595	Reg Code WAN	\$1,000
>> Corporation Only >>	Operator not ensure hospitality workers wear fitted face coverings - corporation	896595	Reg Code EJO	\$5,000
	Not wear face covering in indoor area of non-residential premises	96953	Reg Code OPI	\$500
	Not wear fitted face covering in prescribed outdoor gathering	96954	Reg Code HSY	\$500
	Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001	Reg Code MME	\$500
	Fail to comply with any other wear face covering directive – individual	96960	Reg Code GYJ	\$500
Outdoor Gatherings	Not comply with outdoor public gatherings direction (stay at home area)	97721	Reg Code VKB	\$3,000
	Not comply with outdoor public gatherings direction (area of concern)	97722	Reg Code BFO	\$3,000

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Curfew (9pm-5am) Area of concern	Not comply with curfew – area of concern – individual	97729	Reg Code UGR	\$1,000
>> Corporation Only >>	Not comply with curfew – area of concern - corporation	897729	Reg Code NHU	\$5,000
Contact Tracer and Service NSW Requirements	Fail to answer questions from contact tracers and provide details as prescribed	97723	Reg Code XAM	\$5,000
	Not ensure true and accurate information provided to authorised contact tracer	97725	Reg Code AQN	\$5,000
	Not ensure true and accurate information provided to Service NSW	97724	Reg Code CCU	\$5,000
Working from Home	Employer fail to require employee to work from home (stay at home area) – Individual	97711	Reg Code TTA	\$2,000
	Employer fail to require employee to work from home (area of concern) – Individual	97712	Reg Code HSU	\$2,000
>> Corporation Only >>	Employer fail to require employee to work from home (stay at home area) – Corporation	897711	Reg Code KKV	\$10,000
>> Corporation Only >>	Employer fail to require employee to work from home (area of concern) – Corporation	897712	Reg Code IXQ	\$10,000
Construction Sites	Enter/remain on construction site not vaccinated/tested as prescribed – individual	97246	Reg Code EUG	\$2,000
>> Corporation Only >>	Enter/remain on construction site not vaccinated/tested as prescribed – corporation	897246	Reg Code TFF	\$10,000
	Occupier of construction site permit unlawful entry etc – individual	97248	Reg Code PXP	\$2,000
>> Corporation Only >>	Occupier of construction site permit unlawful entry etc – corporation	897248	Reg Code TKY	\$10,000
	Enter/remain on construction site not have/produce prescribed evidence – individual	97247	Reg Code XXT	\$2,000
>> Corporation Only >>	Enter/remain on construction site not have/produce prescribed evidence – corporation	897247	Reg Code FZH	\$10,000
Testing Workers	Not comply with requirements for testing workers leaving Greater Sydney	97715	Reg Code CKZ	\$3,000
Leave Greater Sydney	Leave Greater Sydney for prescribed purposes without permit	97716	Reg Code KAA	\$3,000

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	Leave Greater Sydney to unlawfully move between homes or inspect property	97717	Reg Code LFJ	\$3,000
	Person 16 years and over not carry identification evidence outside Greater Sydney	97718	Reg Code FFW	\$3,000
	Person 16 years and over not carry permit outside Greater Sydney	97719	Reg Code PJO	\$3,000
	Person relying on permit not comply with permit conditions	97720	Reg Code HUK	\$3,000
Any Other Breach Not Listed	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order by an Individual)	95638	Reg Code ZZE	\$1,000
>> Corporation Only >>	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – CORPORATION (this is the offence for any other breach of this Order by a Corporation)	895638	Reg Code YUW	\$5,000

COURT ATTENDANCE NOTICE	LAW PART CODE	PENALTY
15 years old or younger not wear/carry fitted face covering	97105	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues
16 or 17 years old not wear/carry fitted face covering	97104	
Not wear fitted face covering in retail/business premises	96587	

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Not wear fitted face covering in licensed gaming area	96588		
Not wear fitted face covering in entertainment facility	96589		
Not wear fitted face covering in place of public worship etc	96590		
Not wear fitted face covering residential aged care facility	96591		
Not wear fitted face covering public transport waiting area	96592		
Not wear fitted face covering in public transport/taxi etc	96593		
Not wear fitted face covering - hospitality venue worker	96594		
Operator not ensure hospitality workers wear fitted face coverings - individual or corporation	96595		
Not wear face covering in indoor area of non-residential premises	96953		
Not wear fitted face covering in prescribed outdoor gathering	96954		
Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001		
Fail to comply with any other wear face covering directive – individual or corporation	96960		
Not comply with outdoor public gatherings direction (stay at home area)	97721		
Not comply with outdoor public gatherings direction (area of concern)	97722		

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Not comply with curfew – area of concern – individual or corporation	97729		
Fail to answer questions from contact tracers and provide details as prescribed	97723		
Not ensure true and accurate information provided to authorized contact tracer	97725		
Not ensure true and accurate information provided to Service NSW	97724		
Employer fail to require employee to work from home (stay at home area) – individual or corporation	97711		
Employer fail to require employee to work from home (area of concern) – individual or corporation	97712		
Enter/remain on construction site not vaccinated/tested as prescribed – individual or corporation	97246		
Enter/remain on construction site not have/produce prescribed evidence – individual or corporation	97247		
Occupier of construction site permit unlawful entry etc – individual or corporation	97248		
Not comply with requirements testing workers leaving Greater Sydney	97715		
Leave Greater Sydney for prescribed purposes without permit	97716		

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Leave Greater Sydney to unlawfully move between homes or inspect property	97717		
Person 16 years and over not carry identification evidence outside Greater Sydney	97718		
Person 16 years and over not carry permit outside Greater Sydney	97719		
Person relying on permit not comply with permit conditions	97720		
95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual or corporation	95638		

Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021

FACT SHEET 36

Additional Restrictions for Delta Outbreak

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021 commenced 21 August 2021.

Restrictions applicable to an area in NSW is based on the LEVEL of Risk that applies to that area. There are 3 areas: **The general area**, the **stay at home area** and the **area of concern**.

General area: the whole of the State is in the general area other than an area that is a stay at home area or an area of concern

Stay at home area: Greater Sydney other than a part of Greater Sydney listed as an area of concern (until the beginning of 1 October 2021); and

Regional NSW other than a part of the regional NSW area that is an area of concern (until the beginning of 11 September 2021)

Areas of concern: LGAs of Bayside, City of Blacktown, Burwood, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool, City of Parramatta, Strathfield, and the following suburbs within the City of Penrith (Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys) - (until the beginning of 1 October 2021);

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

Directions applying to **the general area**

(A) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises (including an operator of a vehicle or vessel) in the general area must not allow more than the greater of 25 persons or the 4 sqm rule on the premises.

This **does not apply to:**

- a place of residence, holiday home or short-term rental
- an entertainment facility

- a recreation facility (major)
- a group class at a gym or a group dance class at a recreation facility (indoor)
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

Calculating space using the 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person and the number of persons on the premises, the following are not included:

- any person engaged in work for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

(ii) Holiday home or short-term rental

An occupier of premises in the general area must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commits an offence if there are more than 5 persons present.

(iii) Place of residence

Each adult member of a household in the general area must not allow more than **5 visitors** at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to contact arrangements between a parent and child or between children who are siblings who do not live in the same household
- there because of an emergency or for compassionate reasons or a person avoiding injury or

illness or to escape a risk of harm

- inspecting the place of residence for sale or lease or participating in an auction of the place of residence
- at the place of residence to attend a funeral, memorial or wedding service or gathering afterwards.

(iv) Entertainment facility or recreation facility (major)

The occupier of an **entertainment facility** in the general area must ensure the number of persons on premises does not exceed the 4 sqm rule or 50% of the fixed seated capacity (whichever is greater).

The occupier of a **recreation facility (major)** in the general area must ensure the number of persons on premises does not exceed the greater of either the total of 50% of the fixed seated capacity plus the 4 sqm rule of unfixed seating OR the 4sqm rule in the facility.

If an entertainment facility relies on the 50% of fixed seating calculation, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats. This is also the case for a recreation facility (major) that relies on the total of 50% of the fixed seating capacity plus the 4sqm rule calculation.

(v) Gymnasium and recreation facility (indoor)

The occupier of a gymnasium in the general area must not allow more than 20 persons to attend a group class at the gymnasium.

The occupier of a recreation facility (indoor) in the general area must not allow more than 20 persons to attend a group dance class at the facility.

(B) Fitted face coverings

A person over 12 years old in the general area must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- the person is in any recreation facility (major)
- attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering (see **Schedule B** for information on these types of gatherings)
- working at a hospitality venue and dealing directly with members of the public.

The operator of a hospitality venue in the general area must ensure all persons working at the venue comply with this requirement.

There are a number of **exemptions** to these face covering rules:

- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. A person must carry and provide a police officer for inspection on request:
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working if the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or enunciation and visibility of the person's mouth is essential or the work is in an indoor area and no other person is present or the work is at a school
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- in a vehicle where no other person is in the vehicle except a member of the person's household or the person's nominated visitor
- in a hotel, motel or other accommodation as a guest and the person is in their room
- the person is a student at a school
- the person is in a public hospital or private health facility as a patient
- a resident in a residential aged care facility
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in the process of getting married

(C) Miscellaneous

(i) Working from home

An employer must allow an employee whose place of residence is in the general area to work at the employee's place of residence if it is reasonably practicable to do so.

(ii) Singing indoors

The occupier of premises in a general area must not allow a person to sing in an indoor area. This does **not** apply to –

- a place of residence

- an educational establishment
- a performer who is performing or rehearsing
- a person who is engaged in instruction in singing

(iii) Dancing indoors at a hospitality venue or nightclub

The occupier of premises in the general area that is a hospitality venue or a nightclub must not allow a person to dance in an indoor area. This does **not** apply to dancing at a wedding if:

- the persons dancing are members of the wedding party, and
- no more than 20 persons dance at any one time.

(iv) Consuming alcohol while seated only

The occupier of premises in the general area must not allow a person to consume alcohol in an indoor area unless the person is seated. This does **not** apply to a place of residence.

Directions applying to **stay at home areas**

(A) Staying at home

A person who has been in a stay at home area at any time while the area was identified as a stay at home area must not, without reasonable excuse be away from the person's home wherever located, or temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in a stay at home area during the previous 14 days.

If requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for a stay at home area are to/for:

- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attending a job interview or assessment for work if it is not reasonably practicable to undertake the interview or work assessment from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood

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- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons, including:
 - -where two people are in a relationship but do not live together,
 - to accompany another person, whom the person is visiting for compassionate reasons, when the other person is undertaking exercise or outdoor recreation
 - in circumstances such as an anniversary of the death of a child or close family member, a visit to a grave. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtain food, goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - unless they are not reasonably available, the food, goods and services must be obtained within the person's LGA or no further than 5km from the person's home or temporary accommodation and not in an area of concern
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request
 - only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted

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- Exercise or outdoor recreation if:
 - undertaken within the person's LGA or in another LGA no further than 5km from the person's home or temporary accommodation
 - for a person 16 years and over, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people.
- Attending a small funeral or memorial service or gathering afterwards in the stay at home area, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the stay at home area it is only a reasonable excuse if the person is the spouse, de facto partner, parent, child or sibling of the deceased person.
- Attending a small wedding service if the person is the person recording the service or the persons legally necessary to conduct the service. For a person who is a guest attending a small wedding service in the stay at home area. For a small wedding service outside the stay at home area, it is only a reasonable excuse for the following to attend:
 - the parent, child or sibling of one of the persons getting married; or
 - the person recording the service; or
 - a person who is legally necessary to conduct the service.

A small wedding service is a wedding service (but not a gathering afterwards) of no more than 5 people excluding the persons legal necessary for the service (eg persons getting married, person marrying them and witnesses) and 1 person recording the service.

A person who resides in Greater Sydney may not attend a small wedding service held outside Greater Sydney.

- A Rabbi or person nominated by the NSW Jewish Board of Deputies may leave their residence to blow the Shofar (a religious horn) between 8am and 5pm for 10 minutes at a time, up to a maximum of 3 hours per day, on 7, 8, 15 and 16 September 2021. This is only an excuse if the Shofar is being blown in an outdoor area which is not in an Area of Concern, and which is an Exempt Area as nominated by the NSW Jewish Board of Deputies. Police should contact the Police Operations Centre if they wish to confirm whether a particular person has been nominated to blow the Shofar, or whether a particular area has been nominated as an Exempt Area.

Taking a holiday is NOT a reasonable excuse

Note: Coastal waters are part of the closest LGA.

(B) Closure of premises

(i) Premises that must not be open

The following premises in a stay at home area must not be open to members of the public:

- amusement centres
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses
- betting agencies
- markets that do not predominantly sell food
- gaming lounges
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property operated by the National Trust or the Historic Houses Trust
- sex services premises
- sex on premises venues
- strip clubs

(ii) Premises that must not be open except in limited circumstances

The following premises in a stay at home area must not be open to members of the public except as provided:

- entertainment facilities
- food and drink premises, other than cafeterias in workplaces
- information and education facilities
- micro-breweries or small distilleries holding a drink on premises authorization under the Liquor Act 2007 or cellar door premises
- places of public worship
- pubs, clubs and casinos
- recreation facilities (indoor)

These premises may be open:

- to sell food or beverages off premises or in a shopping centre outside the shopping centre
- if the premises are part of hotel or motel accommodation to provide accommodation including providing food and beverages to guests to consume in their rooms
- to hold a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- to hold a small wedding service (but not a gathering after a wedding service) at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service.
- to provide educational services or childcare

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

(iii) Retail premises

All retail premises in a stay at home area must be closed to the public except:

- chemists and pharmacies
- garden centres and plant nurseries
- hardware and building supplies
- kiosks
- landscaping material supplies
- rural supplies
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide "click and collect" and home delivery services.

(iv) Caravan parks and camping grounds

Caravan parks or camping grounds must not be open to the public in the stay at home area except to:

- provide accommodation to the following:
 - permanent residents of the premises,
 - overnight travelers,
 - persons working in the local area,
 - persons who have no permanent place of residence, and
- allow persons to visit a person who is staying in accommodation on the premises

A person can stay in accommodation if the person –

- was staying at the premises before the relevant date (the date the area was included as a stay at home area), and
- is still staying there under a booking made before the relevant date that has not been extended after that date.

A person can also stay in caravan park or camping ground accommodation if the person's place of residence is outside NSW, and the person is unable to return to their residence because of the closure of state borders and/or restrictions on returning travellers.

(v) Exceptions

Nothing prevents premises in a stay at home area to be open:

- 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 people, or
- as an early education and care facility.

(C) Maximum number of persons permitted on premises

(i) Generally

The occupier of premises in a stay at home area (including an operator of a vehicle or vessel) must not allow more persons than the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence, holiday home or short-term rental
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

(ii) Holiday home or short-term rental

The occupier of premises in a stay at home area must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence for the purposes of this Order.

(iii) Place of residence

Each member of the household who is an adult must not allow a person to visit the household unless the person is an authorised visitor. A person must not visit a home in a stay at home area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes –

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, or the nominated visitor of the person becomes unable to be the person's nominated visitor, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives in the stay at home area but not an area of concern.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in a stay at home area to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in a stay at home area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time, or
- it is carried out in an indoor area of a home, and the work is not necessary, no more than 2 workers are in an indoor area of the place of residence at any 1 time, and no person, other than another worker, is in the same room as the worker

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

Vehicles (car pooling)

A person must not be in a vehicle in a stay at home area with another person other than someone from their household or the person's nominated visitor.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request.

None of the above car pooling restrictions apply to a vehicle being used to engage in work (such as police cars), for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

None of the above car pooling restrictions apply to vehicles arranged by an employer to transport staff between their home and work, where that vehicle has a Service NSW QR code and either openable windows or a ventilation system set to circulate air from outside the vehicle. This exemption is subject to the condition that each person in the vehicle:

- resides in a regional NSW area; and
- has not been in Greater Sydney in the previous 14 days; and
- has had at least 1 dose of a COVID-19 vaccine, or is booked to have at least 1 dose on or before 10 September 2021; and
- is wearing a fitted face covering at all times while in the vehicle; and
- takes reasonably practicable steps to ensure that the vehicle's windows are down; and
- has registered their contact details when entering the vehicle, either through registering on the Service NSW app using their own phone, having another person register them through the Service NSW app, or (if they are not able to register with the Service NSW app) by providing their details to the vehicle driver.

(D) Outdoor public gatherings

A person must not participate in an outdoor public gathering in a stay at home area of more than **2 persons**.

The 2 person limit does not apply to the following:

- persons carrying out work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation

- a gathering to move to a new home, and including a business moving to new premises
- a gathering for a small funeral or memorial service, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service.
- A gathering for a small wedding service, at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service.

(E) Fitted face coverings

A person over the age of 12 years in a stay at home area must carry a fitted face covering unless the person is at their place of residence.

A person over the age of 12 years in a stay at home area must wear a fitted face covering (over both the nose and mouth) at all times while in settings that also apply to the general area – refer to *fitted face coverings* in the **general area**.

In addition, a person in a stay at home area must wear a fitted face covering:

- in an indoor or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service.

The operator of a hospitality venue in a stay at home area must ensure all persons working at the venue comply with these rules.

The same exceptions that apply to the wearing of face coverings in the general area apply to a stay at home area. In addition, a person is allowed to remove their face covering in a stay at home area if they are engaging in physical exercise.

(F) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in a stay at home area to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in a stay at home area must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in an education establishment, or
- the persons are singing for the purpose of instruction in singing.

(iii) Property inspections

A person must not conduct an open inspection of real estate in a stay at home area for the sale or lease of the real estate in a stay at home area where people attend in person.

This does not prevent a person carrying out an inspection of real estate if—

- the person has made an appointment to carry out the inspection, and
- no more than 1 person inspects the real estate at any 1 time.

(iv) Auctions

A person must not conduct an auction at premises in a stay at home area at which persons attend in persons.

An auction for food supply, or livestock, fibre or crops is exempt from this direction and can continue to be open to the public for this purpose.

Directions applying to areas of concern

(A) Staying at home

A person whose place of residence is in an area of concern must not, without reasonable excuse be away from the person's home, or be away from the temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in an area of concern area during the previous 14 days.

Curfew: A person in an area of concern is not able to be away from their home between the hours of 9pm on a day and 5am on the following day other than for the purposes of work, arranging childcare, medical reasons or donating blood, providing care to others, emergencies, animal welfare and legal obligations as outlined below.

If requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

A person is **exempt** from the curfew to drive a person who lives in the same household, or a close family member, or a person who is in a relationship with the person, to or from their place of employment and their home by the most practicable direct route. A person must provide details of the place of employment of the family or household member to a police officer upon request.

Reasonable excuses for an area of concern outside curfew are to/for:

- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attending a job interview or assessment for work if it is not reasonably practicable to undertake the interview or work assessment from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons, including:
 - where two people are in a relationship but do not live together,
 - to accompany another person, whom the person is visiting for compassionate reasons, when the other person is undertaking exercise in accordance with the order
 - in circumstances such as an anniversary of the death of a child or close family member, a visit to a grave. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations

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- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Obtaining goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - the goods and services must be obtained within 5km from the person's home or temporary accommodation. If they are not reasonably available in the 5km radius, they must be obtained from another place in the area of concern, or if they are not reasonably available in the area of concern, from the closest place to the home that they are reasonably available (for an area of concern in Greater Sydney this must be in Greater Sydney).
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.
 - Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- Exercising, allowing a child who is 12 years or younger to play, supervising a child who is 12 years or younger who has left the residence to play no further than 5km from the person's place of residence
 - for a person 16 years or over who is exercising or taking a child to play or supervising a child playing must carry evidence of their name and address or temporary accommodation and produce it to police if requested
- Attending a small funeral or memorial service or gathering afterwards in the area of concern, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. For a gathering outside the area of concern it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend
- Attending a small wedding service if the person is the person recording the service or the persons legally necessary to conduct the service. For a person who is a guest attending a small wedding service in the area of concern. For a small wedding service outside the area of concern, it is only a reasonable excuse for the following to attend:

- the parent, child or sibling of one of the persons getting married; or
- the person recording the service; or
- a person who is legally necessary to conduct the service.

A small wedding service is a wedding service (but not a gathering afterwards) of no more than 5 people excluding the persons legal necessary for the service (eg persons getting married, person marrying them and witnesses) and 1 person recording the service.

A person who resides in Greater Sydney may not attend a small wedding service held outside Greater Sydney.

- Driving a person who lives in the same household, or a close family member, to or from their place of employment and their place of residence

(B) Leaving an area of concern for work

A person who is at least 16 years of age and who lives in an area of concern must not leave the area of concern for the purposes of work unless the person is an authorised worker. The list of authorised workers can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>

An authorised worker must not leave the area of concern for work without a permit issued by Service NSW. An authorised worker does not need a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel
- A person engaged by the ADF to undertake work on ADF infrastructure and vessels and must provide a letter or other document from the ADF indicating that the person is providing services to the ADF on request of a police officer.
- An officer of the Australian Security Intelligence Organisation

- A flight crew member who goes directly from a flight arriving in NSW to a quarantine facility or medical facility under the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) 2021* (or an order replacing that order).

From 9 September 2021, an authorised worker who is at least 16 years old must not leave the area of concern for work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contraindication certificate. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

When leaving the area of concern for work the authorised worker must carry and produce evidence of the worker's name, address and vaccination for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Between 9-19 September 2021, the requirements above will be satisfied if the authorized worker has an appointment to receive the COVID-19 vaccine on or before 19 September 2021 and produces evidence of the appointment for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

This does not apply to a person who has not been in the area of concern in the last 14 days.

(C) Entering an area of concern for work

A person must not enter an area of concern to carry out work in the area of concern without a permit issued by Service NSW. A person does not require a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel
- A person engaged by the ADF to undertake work on ADF infrastructure and vessels and must provide a letter or other document from the ADF indicating that the person is providing services to the ADF on request of a police officer.

- An officer of the Australian Security Intelligence Organisation
- A flight crew member who goes directly from a flight arriving in NSW to a quarantine facility or medical facility under the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) 2021* (or an order replacing that order).

(D) Closure of premises

(i) Premises that must not be open

Premises in an area of concern that must not be open to members of the public are the same as those that apply to premises in a stay at home area. Refer above.

(ii) Premises that must not be open except in limited circumstances

Premises in an area of concern that must not be open to members of the public except in limited circumstances are the same as those that apply to premises in a stay at home area. Refer above.

(iii) Retail premises

All retail premises in an area of concern must be closed to the public except:

- chemists and pharmacies
- kiosks
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- vehicle hire premises (but not premises where vehicles are sold)
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide "click and collect" and home delivery services.

The following premises must not be open to members of the public, but may be open to trade or business customers:

- Garden centres and plant nurseries
- Hardware and building supplies
- Landscaping material supplies

- Rural supplies
- Timber yards.

(iv) Caravan parks and camping grounds

Rules around caravan parks or camping grounds in an area of concern are the same as those caravan parks or camping grounds in a stay at home area. Refer above.

(v) Exceptions

Exceptions that apply to premises in stay at home area also apply to premises in an area of concern. Refer above.

(E) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises in an area of concern (including an operator of a vehicle or vessel) is subject to the same capacity restrictions as those premises in a stay at home area. Refer above.

(ii) Holiday home or short-term rental

The occupier of premises in an area of concern must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

(iii) Place of residence

If the place of residence of a household is in an area of concern, each member of the household who is an adult must not allow a person to visit the place of residence unless the person is an authorised visitor. A person must not visit a place of residence in an area of concern area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes -

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency

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- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, or the nominated visitor of the person becomes unable to be the person's nominated visitor, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives within 5 km of the person.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in an area of concern to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in an area of concern area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time.

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or

- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

(vi) Vehicles (car pooling)

A person in a vehicle in an area of concern is subject to the same limitations and requirements as a person in a vehicle in a stay at home area – refer above.

(vii) Construction sites

An occupier of a construction site in an area of concern is subject to the same requirements and obligations as an occupier of a construction site in a stay at home area.

(F) Outdoor public gatherings

A person in an area of concern must not participate in an outdoor public gathering of more than **2 persons** just like in a stay at home area.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises
- a gathering for a small funeral or memorial service, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service
- A gathering for a small wedding service, at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service.

(G) Fitted face coverings

A person over the age of 12 years in an area of concern must carry a fitted face covering unless the person is at their place of residence, just like in a stay at home area.

A person over the age of 12 years in an area of concern must wear a fitted face covering over the nose and mouth while the person is –

- in an indoor area or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service

The same exceptions that apply to the wearing of face coverings in a general area apply to areas of concern – refer above.

(H) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in an area of concern to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in an area of concern is subject to the same restrictions on singing indoors as an occupier of non-residential premises in a stay at home area. Refer above.

(iii) Property inspections and auctions

Property inspections in an area of concern are subject to the same restrictions as those in a stay at home area. Refer above.

(iv) Educational institutions

Classes, lectures, exams or other teaching or assessment sessions must not be conducted at an educational institution in an area of concern if students attend in person. This does not apply to a school or to an educational institution operated by NSW Health.

(v) Vaccinations – early education and care and disability support

From 9 September, a relevant care worker who is at least 16 years of age (certain workers in early education and care facilities and providing a disability service and whose place of residence or place of work is in an area of concern) must not enter or remain in the worker's place of work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contradiction certificate. The relevant care worker must, when entering the worker's place of work, carry and produce for inspection evidence of the person's name, address and vaccination if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Between 9-19 September 2021, the requirements above will be satisfied if the relevant care worker has an appointment to receive the COVID-19 vaccine on or before 19 September 2021 and

produces evidence of the appointment for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Additional directions for Greater Sydney

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

(A) Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together
- Family contact arrangements
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care

- Attending a small funeral or memorial service or gathering afterwards in Greater Sydney, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service (see specific rules for stay at home areas and areas of concern above).
- Attending a small wedding service in Greater Sydney, at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service (see specific rules for stay at home areas and areas of concern above).

Taking a holiday is NOT a reasonable excuse.

(B) Leaving Greater Sydney

(i) Testing of workers leaving Greater Sydney

A person who resides in Greater Sydney must not enter premises that are more than 50km outside of Greater Sydney for the purposes of work unless the person –

- has been tested for COVID-19 in the previous 7 days, and
- carries evidence of the test, and
- carries evidence showing the address of the person's place of residence.

For non-residential premises, the occupier must not allow the person to enter or remain on the premises unless the person satisfies the occupier that the person has been tested for COVID-19 within the previous 7 days.

The person must produce the evidence of the test for inspection by the occupier or the person's employer on request.

The person 16 years and older must, if requested to do so by a police officer, produce evidence of the test and evidence showing the person's address.

Exemption: an emergency services worker and their employer are exempt from these requirements if the worker's usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties (e.g. attending a urgent callout while on shift).

(ii) Permits for persons leaving Greater Sydney

A person who resides in Greater Sydney who:

- is moving either temporarily or permanently to a place of residence outside Greater Sydney, or
- goes more than 50km from Greater Sydney to carry out work, or
- is leaving Greater Sydney to inspect residential property

must not leave Greater Sydney without a permit issued by Service NSW.

The person must comply with the conditions included in the permit and must carry the permit and produce the permit for inspection if requested do so by a police officer.

A person does not need a permit to provide emergency services. Until 3:00pm on 25 August 2021, NSW Health staff, a person providing services to a local health district or a statutory health corporation, a staff member licensed under the Private Health Facilities Act 2007, a medical practitioner providing GP locum services and a member of the ADF are also exempt.

The following persons are exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel
- A person engaged by the ADF to undertake work on ADF infrastructure and vessels and must provide a letter or other document from the ADF indicating that the person is providing services to the ADF on request of a police officer.

An officer of the Australian Security Intelligence Organisation is exempt from the need to obtain a permit if they are travelling to carry out work, but must provide identification details to a police officer on request.

(iii) Leaving Sydney to move between homes or to inspect property

A person who resides in Greater Sydney must not leave Greater Sydney:

- to move between places of residence of the person unless the movement:
 - is for the person's work and only the person moves to the other place of residence, or
 - is for urgent maintenance or repairs or animal welfare and only 1 person moves to the other place of residence, or

- to inspect residential property unless:
 - the person has a genuine intention to reside outside Greater Sydney as soon as practicable, and
 - the person inspects the property as a potential place of residence for the person.

(iv) Carrying evidence of name and address when leaving Greater Sydney

A person who is 16 years and older who resides in Greater Sydney and who is outside Greater Sydney must:

- carry evidence showing the address of the person's name and place of residence, and
- produce the evidence for inspection if requested to do so by a police officer.

(C) Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site's current resourcing plan (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist.

(i) Vaccination required to work on construction sites in Greater Sydney

A person whose place of residence or temporary accommodation is in an area of concern must not enter or remain on a construction site in Greater Sydney unless the person:

- has had 2 doses of a COVID-19 vaccine, or
- has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- has had 1 dose of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or
- has a medical contraindication certificate issued to them and has been tested for COVID-19 in the 72 hours before being on site. NSW Health has a form for this certification at

<https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person's employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The 'required evidence' includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Other directions applying to all areas

(D) Answering questions from contact tracers and providing other information

A person must, if requested by an authorised contact tracer:

- answer questions or provide other information about the person's movement, and
- provide the person's contact details.

A person must provide true and accurate evidence or information to a contact tracer.

A person must also provide true and accurate evidence and information in response to a request under the order or to Service NSW.

(E) Responses to police requests about who is in COVID-19 risk premises

A '**COVID-19 risk premises**' is a residence or place at which a person diagnosed with COVID-19

or a close contact is residing.

A person who is residing or present at a COVID-19 risk premises must respond to any request made by a police officer for information about who is residing or present at the premises.

If a police officer knocks at a door of a COVID-19 risk premises, a resident is required to open the door and comply with the request of the officer. A request for information by the officer may include a request to provide the name and contact details of persons residing or present at the premises, whether at the time of the request or generally.

(F) High COVID-19 risk premises

A “high COVID-19 risk premises” is a premises that has one of more dwellings and at least one is a COVID-19 risk premises and the Minister has declared by a notice published on the NSW Health website that the premises should be closed following advice from a public health officer that there is a risk of transmission of COVID-19 between residents. This power has been delegated to the Commissioner.

If the Minister declares particular premises to be “High COVID-19 Risk Premises”, this stays in effect for 14 days unless the Minister revokes it earlier. The Minister must notify or make arrangements for residents and non-residents at the premises at the time of the declaration that the premises have been declared.

A person **living in the premises** (permanently or temporarily) must do the following:

- Not leave their residence during the period of the declaration, unless instructed to do so by either an authorised medical practitioner or by the Commissioner or in an emergency. A direction to leave can include a direction to go to a quarantine facility, hospital or other medical facility.
- If they are not in their residence in the declared premises at the time of the declaration, they must return to that residence immediately after they become aware of the declaration, unless a medical practitioner, registered nurse or paramedic decides they should instead go directly to a hospital for assessment.
- If they are directed to do so by the Commissioner, they must provide information that assists in identifying other people who live in the declared premises and non-residents who were in the premises at the time of the declaration. This information must be true and accurate
- If requested by an authorised medical practitioner, they must be tested for COVID-19
- If they refuse to comply with a request from an authorised medical practitioner to be tested for COVID-19, they must stay in their residence until they are medically cleared. During this time they are not permitted to leave their residence except under instructions from the Commissioner or an authorised medical practitioner, or because of an emergency that requires them to leave. They are also not to allow another person into

their residence unless that person usually lives in the same residence, or the person is complying with a direction under the *Public Health (COVID-19 Self-Isolation) Order (No 3) 2021*, or the person is entering for emergency reasons. They must comply with the NSW Health self-isolation guideline.

Where the Commissioner has made this declaration about particular premises, **non-residents** who were in the premises at the time of the declaration must:

- Comply with instructions given by the Commissioner or an authorised medical practitioner, including an instruction to go to a quarantine facility, hospital or other medical facility OR instructions to stay in the premises until medically cleared
- If requested by an authorised medical practitioner, they must be tested for COVID-19
- If the person is instructed to remain in the premises until medically cleared, the requirements listed above for residents apply to them as though they were a resident.

Where the Minister has made this declaration about particular premises, no-one is allowed to enter the premises other than:

- A person living in the premises who is returning after learning of the declaration
- A police officer
- Someone entering at the direction of a police officer
- Someone entering to provide medical treatment or care to a person living or staying in the premises
- Someone entering in connection with testing people living or staying in the premises for COVID-19
- Someone entering in connection with vaccinating people living or staying in the premises against COVID-19
- Someone entering to comply with a direction under the *Public Health (COVID-19 Self-Isolation) Order (No 3) 2021*
- Someone entering to perform functions or provide services necessary for the ordinary operation of the premises
- Someone entering because of an emergency

A person involved in the management of High COVID-19 Risk Premises must, if directed by the Commissioner, provide information that assists in identifying both people who reside in the premises and non-residents who were present at the time of the declaration.

(G) Travelling through State

This Order does not apply to a person merely because the person:

- travels through the State in a vehicle if the person does not leave the vehicle while in the State, or

- enters the State by road and then travels through the State by the most practicable direct route, or
- enters the State by air and does not leave the airport while in the State, or
- enters the State by vessel or aircraft and then travels directly from the port or airport at which the persons arrived to leave the State by the most practicable direct route, or
- enters the State to travel to a port or airport to leave the State and then travels to the port or airport by the most practicable direct route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Schedule A: Exempted gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine or of the commercial vessel
- 11 Gathering at a school, university or other educational institution or childcare 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 St 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

Schedule B: COVID-19 safe outdoor gatherings and controlled outdoor public gatherings

A person must not participate in a non-controlled outdoor public gathering of more than 200 persons unless it is a *COVID-19 safe outdoor gathering*.

A **COVID-19 safe outdoor gathering** is a gathering where the organiser:

- has and complies with the appropriate COVID-19 Safety Plan, and
- keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.

The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:

- the number permitted by the 4 sqm rule for the premises, or
- 5,000 persons.

These rules do not apply to:

- a gathering for which a COVID-19 Safety Plan is required (see table below)
- an exempted gathering listed in Annexure A of this Fact Sheet,
- a gathering to provide emergency assistance to a person or persons,
- an agricultural show or agricultural field day,
- a controlled outdoor public gathering.

A **controlled outdoor public gathering** is:

- held in an area that is enclosed or bounded by fencing or another form of barrier, and requires a ticket to enter, and
- all persons (other than people working at the event) are assigned to specific seats or a seating area.
- The **lesser of** 10,000 people or the number permitted by the 4 sqm rule are allowed.

The restrictions on controlled outdoor public gatherings do not apply to:

- a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
- a gathering listed in **Schedule A** (exempted gatherings)

The organiser of a controlled public gathering must:

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- ensure the above requirements are met
- have and comply with the appropriate COVID-19 Safety Plan, and
- keep a copy of the COVID-19 Safety Plan and make it available for inspection.

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No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	Construction sites in Greater Sydney
12	COVID-19 safe outdoor public gatherings
13	Controlled outdoor public gatherings
14	Crematoria
15	Drive-in cinemas
16	Entertainment facilities
17	Food and drink premises (other than food courts)
18	Food courts
19	Function centres
20	Funeral homes
21	Funerals and memorial services and gatherings after funerals and memorial services
22	Information and education facilities
23	Large residential gatherings
24	Markets
25	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises

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26	Nightclubs
27	Party buses
28	Places of public worship and religious services on other premises
29	Places of residence, holiday homes and short-term rentals with more than 100 visitors
30	Properties operated by the National Trust or the Historic Houses Trust
31	Public swimming pools (excluding natural swimming pools)
32	Pubs, small bars, registered clubs and nightclubs
33	Recreation facilities (indoor)
34	Recreation facilities (major)
35	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
36	Sex services premises
37	Short-term rental or tourist and visitor accommodation on Lord Howe Island
38	Strip clubs
39	Vessels used for hosting functions or for commercial tours
40	Wedding services and gatherings after wedding services
41	Zoological parks and reptile parks

Notes on police powers

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

Powers generally

- Unless otherwise provided for in this Order, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- The safeguards in sections 202 and 203 of LEPR must be applied if a police officer exercises any power to issue a direction, requirement or request, whether under the *Public Health Act 2010* or under one of the Public Health Orders. This includes a direction or requirement for someone to disclose their identity.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPR. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPR, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPR allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPR if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- Safeguards under section 202 of LEPR apply when police are exercising a power to enter premises or arrest a person.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

FOR INTERNAL USE ONLY

TOPIC	PENALTY NOTICE	OFFENCE CODE	REG CODE	PENALTY AMOUNT
FACE COVERINGS - CHILDREN	15 years old or younger not wear/carry fitted face covering	97105	Reg Code HZZ	\$40
*Remember a child under 12 can not be infringed for face covering offences as they are exempt.	16 or 17 years old not wear/carry fitted face covering	97104	Reg Code PUW	\$80
FACE COVERINGS - ADULT	Not wear fitted face covering in retail/business premises	96587	Reg Code YLL	\$500
	Not wear fitted face covering in licensed gaming area	96588	Reg Code EIJ	\$500
	Not wear fitted face covering in entertainment facility	96589	Reg Code QLU	\$500
	Not wear fitted face covering in place of public worship etc	96590	Reg Code CRL	\$500
	Not wear fitted face covering residential aged care facility	96591	Reg Code OXS	\$500
	Not wear fitted face covering public transport waiting area	96592	Reg Code FIQ	\$500
	Not wear fitted face covering in public transport/taxi etc	96593	Reg Code XFT	\$500
	Not wear fitted face covering - hospitality venue worker	96594	Reg Code SBR	\$500
	Operator not ensure hospitality workers wear fitted face coverings - individual	96595	Reg Code WAN	\$1,000
>> Corporation Only >>	Operator not ensure hospitality workers wear fitted face coverings - corporation	896595	Reg Code EJO	\$5,000
	Not wear face covering in indoor area of non-residential premises	96953	Reg Code OPI	\$500
	Not wear fitted face covering in prescribed outdoor gathering	96954	Reg Code HSY	\$500
	Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001	Reg Code MME	\$500
	Fail to comply with any other wear face covering directive – individual	96960	Reg Code GYJ	\$500
Outdoor Gatherings	Not comply with outdoor public gatherings direction (stay at home area)	97721	Reg Code VKB	\$3,000
	Not comply with outdoor public gatherings direction (area of concern)	97722	Reg Code BFO	\$3,000

FOR INTERNAL USE ONLY

Curfew (9pm-5am) Area of concern	Not comply with curfew – area of concern – individual	97729	Reg Code UGR	\$1,000
>> Corporation Only >>	Not comply with curfew – area of concern - corporation	897729	Reg Code NHU	\$5,000
Contact Tracer and Service NSW Requirements	Fail to answer questions from contact tracers and provide details as prescribed	97723	Reg Code XAM	\$5,000
	Not ensure true and accurate information provided to authorised contact tracer	97725	Reg Code AQN	\$5,000
	Not ensure true and accurate information provided to Service NSW	97724	Reg Code CCU	\$5,000
Working from Home	Employer fail to require employee to work from home (stay at home area) – Individual	97711	Reg Code TTA	\$2,000
	Employer fail to require employee to work from home (area of concern) – Individual	97712	Reg Code HSU	\$2,000
>> Corporation Only >>	Employer fail to require employee to work from home (stay at home area) – Corporation	897711	Reg Code KKV	\$10,000
>> Corporation Only >>	Employer fail to require employee to work from home (area of concern) – Corporation	897712	Reg Code IXQ	\$10,000
Construction Sites	Enter/remain on construction site not vaccinated/tested as prescribed – individual	97246	Reg Code EUG	\$2,000
>> Corporation Only >>	Enter/remain on construction site not vaccinated/tested as prescribed – corporation	897246	Reg Code TFF	\$10,000
	Occupier of construction site permit unlawful entry etc – individual	97248	Reg Code PXP	\$2,000
>> Corporation Only >>	Occupier of construction site permit unlawful entry etc – corporation	897248	Reg Code TKY	\$10,000
	Enter/remain on construction site not have/produce prescribed evidence – individual	97247	Reg Code XXT	\$2,000
>> Corporation Only >>	Enter/remain on construction site not have/produce prescribed evidence – corporation	897247	Reg Code FZH	\$10,000
Testing Workers	Not comply with requirements for testing workers leaving Greater Sydney	97715	Reg Code CKZ	\$3,000
Leave Greater Sydney	Leave Greater Sydney for prescribed purposes without permit	97716	Reg Code KAA	\$3,000

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	Leave Greater Sydney to unlawfully move between homes or inspect property	97717	Reg Code LFJ	\$3,000
	Person 16 years and over not carry identification evidence outside Greater Sydney	97718	Reg Code FFW	\$3,000
	Person 16 years and over not carry permit outside Greater Sydney	97719	Reg Code PJO	\$3,000
	Person relying on permit not comply with permit conditions	97720	Reg Code HUK	\$3,000
Any Other Breach Not Listed	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order by an Individual)	95638	Reg Code ZZE	\$1,000
>> Corporation Only >>	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – CORPORATION (this is the offence for any other breach of this Order by a Corporation)	895638	Reg Code YUW	\$5,000

COURT ATTENDANCE NOTICE	LAW PART CODE	PENALTY
15 years old or younger not wear/carry fitted face covering	97105	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. \$55,000 fine. \$27,500/day offence continues
16 or 17 years old not wear/carry fitted face covering	97104	
Not wear fitted face covering in retail/business premises	96587	

FOR INTERNAL USE ONLY

Not wear fitted face covering in licensed gaming area	96588		
Not wear fitted face covering in entertainment facility	96589		
Not wear fitted face covering in place of public worship etc	96590		
Not wear fitted face covering residential aged care facility	96591		
Not wear fitted face covering public transport waiting area	96592		
Not wear fitted face covering in public transport/taxi etc	96593		
Not wear fitted face covering - hospitality venue worker	96594		
Operator not ensure hospitality workers wear fitted face coverings - individual or corporation	96595		
Not wear face covering in indoor area of non-residential premises	96953		
Not wear fitted face covering in prescribed outdoor gathering	96954		
Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001		
Fail to comply with any other wear face covering directive – individual or corporation	96960		
Not comply with outdoor public gatherings direction (stay at home area)	97721		
Not comply with outdoor public gatherings direction (area of concern)	97722		

FOR INTERNAL USE ONLY

Not comply with curfew – area of concern – individual or corporation	97729		
Fail to answer questions from contact tracers and provide details as prescribed	97723		
Not ensure true and accurate information provided to authorized contact tracer	97725		
Not ensure true and accurate information provided to Service NSW	97724		
Employer fail to require employee to work from home (stay at home area) – individual or corporation	97711		
Employer fail to require employee to work from home (area of concern) – individual or corporation	97712		
Enter/remain on construction site not vaccinated/tested as prescribed – individual or corporation	97246		
Enter/remain on construction site not have/produce prescribed evidence – individual or corporation	97247		
Occupier of construction site permit unlawful entry etc – individual or corporation	97248		
Not comply with requirements testing workers leaving Greater Sydney	97715		
Leave Greater Sydney for prescribed purposes without permit	97716		

FOR INTERNAL USE ONLY

Leave Greater Sydney to unlawfully move between homes or inspect property	97717		
Person 16 years and over not carry identification evidence outside Greater Sydney	97718		
Person 16 years and over not carry permit outside Greater Sydney	97719		
Person relying on permit not comply with permit conditions	97720		
95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual or corporation	95638		

Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021

FACT SHEET 36

Additional Restrictions for Delta Outbreak

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021 commenced 21 August 2021.

Restrictions applicable to an area in NSW is based on the LEVEL of Risk that applies to that area. There are 3 areas: **The general area**, the **stay at home area** and the **area of concern**.

General area: **the whole of the State is in the general area other than an area that is a stay at home area or an area of concern**

Stay at home area: Greater Sydney other than a part of Greater Sydney listed as an area of concern (until the beginning of 1 October 2021). Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong; and

Regional NSW other than a part of the regional NSW area that is an area of concern. This is the LGAs of Bathurst Regional, Bega Valley, Blayney, Bogan, Bourke, Brewarrina, City of Broken Hill, Cabonne, Central Coast, Central Darling, City of Cessnock, Dubbo Regional, Dungog, Eurobodalla, Forbes, Gilgandra, Goulburn Mulwaree, Kiama, City of Lake Macquarie, City of Lithgow, City of Maitland, Mid-Western Regional, Muswellbrook, Narrabri, Narromine, City of Newcastle, City of Orange, Parkes, Port Stephens, Queanbeyan-Palerang Regional, City of Shellharbour, City of Shoalhaven, Singleton, Snowy Monaro Regional, Upper Hunter Shire, Walgett and Wingecarribee.

Areas of concern: **LGAs of Bayside, City of Blacktown, Burwood, City of Campbelltown, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Liverpool, City of Parramatta, Strathfield, and the following suburbs within the City of Penrith (Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair, St Marys) - (until the beginning of 1 October 2021);**

Directions applying to **the general area**

(A) Premises that must not be open

The following premises in the general area must not be open to the public:

- amusement centres
- nightclubs
- sex services premises
- sex on premises venues
- strip clubs

(B) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises (including an operator of a vehicle or vessel) in the general area must not allow more than:

- For parts of the premises that are indoors – 1 person per 4 square metres
- For parts of the premises that are outdoors – 1 person per 2 square metres

This **does not apply to:**

- a place of residence, holiday home or short-term rental
- an entertainment facility
- a recreation facility (major)
- a group class at a gym or a group dance class at a recreation facility (indoor)
- business premises that are hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours (but see below for restrictions on these premises)
- premises at which a funeral/memorial service, a wedding service, or a gathering after one of these services is being held (but see below for restrictions on these premises)
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- holiday homes and short-term rentals
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

Hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours may only have the lesser of 5 people or 4sqm rule

A premises at which a funeral/memorial service, a wedding service, or a gathering afterwards is being held may only have the lesser of 50 people or 4sqm rule. A person must attend one these events if there are more people present than permitted.

Calculating space using the 2sqm or 4 sqm rule

When calculating the space available for people on any premises, only publicly accessible space is to be counted (other than for construction sites, industrial premises, office premises, warehouses or distribution centres).

When calculating both the space available for each person and the number of persons on the premises, the following are not included:

- any person engaged in work for the occupier of the premises (see note below),
- any person on the premises because of an emergency,
- if the premises are food and drink premises, any person ordering or collecting take away food or drink.

Note: For construction sites, industrial premises, office premises, warehouses and distribution centres, the number of persons engaged in work on the premises are included in the calculation.

(ii) Holiday home or short-term rental

An occupier of premises in the general area must not allow more than **5 persons** to use the premises as a holiday home or short-term rental unless they are all from the same household. A person at the premises also commits an offence if there are more than 5 persons present.

(iii) Place of residence

Each adult member of a household in the general area must not allow more than **5 visitors over 12 years of age** at any one time. Visitors to the premises also commit an offence if there are more than 5 visitors over 12 years of age.

A visitor does not include a person:

- from the same household
- engaged in work, childcare, fulfilling carer responsibilities or providing care or assistance to a vulnerable person
- giving effect to contact arrangements between a parent and child or between children who are siblings who do not live in the same household
- there because of an emergency or for compassionate reasons or a person avoiding injury or illness or to escape a risk of harm
- inspecting the place of residence for sale or lease or participating in an auction of the place of residence
- at the place of residence to attend a funeral, memorial or wedding service or gathering afterwards.

(iv) Entertainment facility or recreation facility (major)

The occupier of an **entertainment facility** in the general area must ensure the number of persons on premises does not exceed the 4 sqm rule or 75% of the fixed seated capacity. If the 75% of fixed seating calculation is applied, admission must be by way of ticket and all persons (other than those engaged in work) must be assigned to specific seats.

The occupier of a **recreation facility (major)** in the general area must ensure the number of persons on premises does not exceed either 4 sqm rule or 5000 people (whichever is lower). A recreation facility (major) includes a zoo or aquarium.

(v) Gymnasium and recreation facility (indoor)

The occupier of a gymnasium in the general area must not allow more than 20 persons to attend a group class at the gymnasium.

The occupier of a recreation facility (indoor) in the general area must not allow more than 20 persons to attend a group dance class at the facility.

(vi) Certain outdoor events

In addition to the above restrictions:

- A controlled outdoor public gathering can have a maximum of 500 persons (see definition in Schedule B of this Fact Sheet)
- A COVID-19 safe outdoor public gathering can have a maximum of 50 persons (see definition in Schedule B of this Fact Sheet)
- Any other outdoor gathering can have a maximum of 20 persons.

A person organising one of these gatherings must not allow more than the maximum number of permitted people to attend the gathering. A person is not permitted to attend one of these gatherings if more than the maximum number of people allowed are there.

These limits do not apply to an exempt gathering set out in Schedule A gathering on premises for which the occupier of the premises is directed to develop a COVID-19 Safety Plan, or to a gathering to provide emergency assistance to a person.

(C) Fitted face coverings

A person over 12 years old in the general area must wear a fitted face covering (over both the nose and mouth) at all times while:

- in any indoor non-residential premises (including workplaces and vehicles)
- the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service
- working at a hospitality venue and dealing directly with members of the public

- on a domestic commercial aircraft, including while flying above the general area.

The operator of a hospitality venue in the general area must ensure all persons working at the venue comply with this requirement.

Where a worker is employed, contracted or subcontracted to carry out work at an airport in the general area, the person who employs, contracts or subcontracts them must ensure that the worker wears a fitted face covering over both their mouth and nose while working.

There are a number of **exemptions** to these face covering rules:

- a person with a physical or mental illness or condition, or disability that makes wearing a fitted face covering unsuitable. A person must carry and provide a police officer for inspection on request:
 - a medical certificate or other written evidence signed by a registered health practitioner or registered NDIS provider, or a statutory declaration by the person, confirming that the person has the illness, condition or disability that makes wearing a face covering unsuitable; and
 - evidence of the person's name and address.

A person can remove a fitted face covering in the following circumstances (it must be replaced as soon as practicable after the circumstance ends):

- the person is eating or drinking
- the person is engaging in strenuous physical exercise (except in an indoor gym or dance class)
- the person is communicating with a person who is deaf or hard of hearing
- the person is working if the wearing of a fitted face covering poses a risk to the person's or another person's health and safety or enunciation and visibility of the person's mouth is essential or the work is in an indoor area and no other person is present or the work is at a school
- the person is asked to remove the fitted face covering to identify the person
- an emergency
- the removal is necessary to provide goods and services
- in a vehicle where no other person is in the vehicle except a member of the person's household or the person's nominated visitor
- in a hotel, motel or other accommodation as a guest and the person is in their room
- the person is a student at a school
- the person is in a public hospital or private health facility as a patient
- a resident in a residential aged care facility
- the person is in a correctional centre or other place of custody (this includes a charge room – it is recommended that police still wear a fitted face covering)
- the person is in the process of getting married

(D) Miscellaneous

(i) Working from home

An employer must allow an employee whose place of residence is in the general area to work at the employee's place of residence if it is reasonably practicable to do so.

(ii) Singing or dancing indoors

The occupier of premises in a general area must not allow a person to sing or dance in an indoor area. This does **not** apply to –

- a place of residence
- an educational establishment
- a performer who is performing or rehearsing
- a person who is engaged in instruction in singing or dancing
- a wedding service or a gathering after a wedding service
- a group class at a gym or recreation facility (indoor).

(iii) Must be seated when at an entertainment facility

The occupier of premises in the general area that is an entertainment facility must ensure that all persons (other than persons working) are assigned to specific seats and that, as far as reasonably practicable, they remain in their assigned seats at all times.

(iv) Consuming alcohol while seated only

The occupier of premises in the general area must not allow a person to consume alcohol in an indoor area unless the person is seated. This does **not** apply to a place of residence.

The occupier of a premises in the general area must not allow a person to eat or drink at a funeral/memorial service, a wedding service or a gathering afterwards unless the person is seated.

Directions applying to **stay at home areas**

(A) Staying at home

A person who has been in a stay at home area at any time while the area was identified as a stay at home area must not, without reasonable excuse be away from the person's home wherever located, or temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in a stay at home area during the previous 14 days.

If requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

Reasonable excuses for a stay at home area are to/for:

- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attending a job interview or assessment for work if it is not reasonably practicable to undertake the interview or work assessment from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons, including:
 - -where two people are in a relationship but do not live together,
 - to accompany another person, whom the person is visiting for compassionate reasons, when the other person is undertaking exercise or outdoor recreation
 - in circumstances such as an anniversary of the death of a child or close family member, a visit to a grave. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation

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- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person’s place of worship or providing pastoral care
- Obtain food, goods and services:
 - for the personal or other needs of the person’s household, including for vulnerable persons and pets
 - unless they are not reasonably available, the food, goods and services must be obtained within the person’s LGA or no further than 5km from the person’s home or temporary accommodation and not in an area of concern
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request
 - only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted
- Exercise or outdoor recreation if:
 - undertaken within the person’s LGA or in another LGA no further than 5km from the person’s home or temporary accommodation (this applies to leisure activities including fishing)
 - for a person 16 years and over, the person carries evidence of their name and address or temporary accommodation and produces it to police if requested

The spirit of the order is to limit the number of interactions people have with each other. This reasonable excuse is designed to maintain the physical and mental wellbeing of people.
- Attending a funeral or memorial service or gathering afterwards in the stay at home area, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. To attend a funeral or memorial service or gathering afterwards outside the stay at home area it is only a reasonable excuse if the person is the spouse, de facto partner, parent, child or sibling of the deceased person.
- Attending a wedding service (excluding a gathering afterwards) of no more than 5 people excluding the persons legal necessary for the service (eg persons getting married, person marrying them and witnesses) and 1 person recording the service. For a person who is a guest, it is an excuse to leave their residence to attend a wedding service if the service is in the stay at home area. To attend a wedding service outside the stay at home area, it is only a reasonable excuse for the following to attend:
 - the parent, child or sibling of one of the persons getting married; or
 - the person recording the service; or
 - a person who is legally necessary to conduct the service.

A person who resides in Greater Sydney may not attend a wedding service held outside Greater Sydney.

- A Rabbi or person nominated by the NSW Jewish Board of Deputies may leave their home to blow the Shofar (a religious horn) between 8am and 5pm for 10 min at a time, up to a max of 3 hours per day, on 7, 8, 15 and 16 September 2021. This is only an excuse if the Shofar is being blown in an outdoor area which is not in an Area of Concern, and which is an Exempt Area as nominated by the NSW Jewish Board of Deputies. Police should contact the Police Operations Centre if they wish to confirm whether a particular person has been nominated to blow the Shofar, or whether a particular area has been nominated as an Exempt Area.
- If reasonably necessary, to transport a member of the person's household who is authorised to leave home under one of the reasonable excuses in this list
- Where the person is the owner or occupier of a maritime vessel, they may leave their home to travel by the most practical direct route to a marina or mooring where their vessel is moored, to undertake work on the vessel to ensure that it remains seaworthy. This includes being able to take a voyage under the vessel's power or under sail. The person must take reasonably practicable steps to remain 1.5 metres away from other people while at the marina or mooring, and must wear a mask while at the marina or mooring.
- Undertaking a driving lesson, where the person is either a learner driver or is supervising a learner driver from the same household in a driving lesson. No person other than the learner driver and the person supervising them must be in the vehicle, unless they are a child 12 years or younger. Both the learner driver and the person supervising them must carry evidence of their name and place of residence, and must produce this evidence for inspection to a police officer on request.

Taking a holiday is NOT a reasonable excuse

Note: Coastal waters are part of the closest LGA.

(B) Closure of premises

(i) Premises that must not be open

The following premises in a stay at home area must not be open to members of the public:

- amusement centres
- hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours
- auction houses
- betting agencies
- markets that do not predominantly sell food

- gaming lounges
- nightclubs
- public swimming pool, but not a natural swimming pool
- a property operated by the National Trust or the Historic Houses Trust
- sex services premises
- sex on premises venues
- strip clubs

(ii) Premises that must not be open except in limited circumstances

The following premises in a stay at home area must not be open to members of the public except as provided:

- entertainment facilities
- food and drink premises, other than cafeterias in workplaces
- information and education facilities
- micro-breweries or small distilleries holding a drink on premises authorization under the Liquor Act 2007 or cellar door premises
- places of public worship
- pubs, clubs and casinos
- recreation facilities (indoor)

These premises may be open:

- to sell food or beverages off premises or in a shopping centre outside the shopping centre
- if the premises are part of hotel or motel accommodation to provide accommodation including providing food and beverages to guests to consume in their rooms
- to hold a small funeral or memorial service or gathering afterwards, of no more than 10 excluding the person conducting the service and others necessary for the conduct and preparation of the service
- to hold a small wedding service (but not a gathering after a wedding service) at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service.
- to provide educational services or childcare

Exemption: Premises can be open to members of the public but only while being used by, or on behalf of, a Local Health District, Statutory Health Corporation, the Health Administration Corporation or the Ministry of Health as a vaccination clinic or vaccination hub.

(iii) Retail premises

All retail premises in a stay at home area must be closed to the public except:

- chemists and pharmacies
- garden centres and plant nurseries
- hardware and building supplies
- kiosks
- landscaping material supplies
- rural supplies
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop office supplies; pet supplies; newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

(iv) Caravan parks and camping grounds

Caravan parks or camping grounds must not be open to the public in the stay at home area except to:

- provide accommodation to the following:
 - permanent residents of the premises,
 - overnight travelers,
 - persons working in the local area,
 - persons who have no permanent place of residence, and

- allow persons to visit a person who is staying in accommodation on the premises

A person can stay in accommodation if the person –

- was staying at the premises before the relevant date (the date the area was included as a stay at home area), and
- is still staying there under a booking made before the relevant date that has not been extended after that date.

A person can also stay in caravan park or camping ground accommodation if the person's place of residence is outside NSW, and the person is unable to return to their residence because of the closure of state borders and/or restrictions on returning travellers.

(v) Exceptions

Nothing prevents premises in a stay at home area to be open:

- 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 people, or
- as an early education and care facility.

(C) Maximum number of persons permitted on premises

(i) Generally

The occupier of premises in a stay at home area (including an operator of a vehicle or vessel) must not allow more persons than the number allowed by the 4 sqm rule on the premises.

This does not apply to:

- a place of residence, holiday home or short-term rental
- a vessel used for commercial tours for scuba diving, snorkeling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel
- caravan parks and camping grounds
- an exempted gathering in **Schedule B**
- a construction site in Greater Sydney only

(ii) Holiday home or short-term rental

The occupier of premises in a stay at home area must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence for the purposes of this Order.

(iii) Place of residence

Each member of the household who is an adult must not allow a person to visit the household unless the person is an authorised visitor. A person must not visit a home in a stay at home area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes –

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together.
- is a nominated visitor of an individual who resides alone ("nominated visitor")

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, or the nominated visitor of the person becomes unable to be the person's nominated visitor, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives in the stay at home area but not an area of concern.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer's responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in a stay at home area to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in a stay at home area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time, or
- it is carried out in an indoor area of a home, and the work is not necessary, no more than 2 workers are in an indoor area of the place of residence at any 1 time, and no person, other than another worker, is in the same room as the worker

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

Vehicles (car pooling)

A person must not be in a vehicle in a stay at home area with another person other than someone from their household or the person's nominated visitor.

A person 16 years and over travelling in a vehicle with another person must carry evidence of their name and address or temporary accommodation and produce it to police on request.

None of the above car pooling restrictions apply to a vehicle being used to engage in work (such as police cars), for public transport, to provide assistance or care to a vulnerable person, in an emergency or for compassionate reasons including where 2 people are in a relationship but not living together.

None of the above car pooling restrictions apply to vehicles arranged by an employer to transport staff between their home and work, where that vehicle has a Service NSW QR code and either openable windows or a ventilation system set to circulate air from outside the vehicle. This exemption is subject to the condition that each person in the vehicle:

- resides in a regional NSW area; and
- has not been in Greater Sydney in the previous 14 days; and
- has had at least 1 dose of a COVID-19 vaccine, or is booked to have at least 1 dose on or before 10 September 2021; and
- is wearing a fitted face covering at all times while in the vehicle; and
- takes reasonably practicable steps to ensure that the vehicle's windows are down; and
- has registered their contact details when entering the vehicle, either through registering on the Service NSW app using their own phone, having another person register them through the Service NSW app, or (if they are not able to register with the Service NSW app) by providing their details to the vehicle driver.

(D) Outdoor public gatherings

Up to and including 12 September 2021, a person must not participate in an outdoor public gathering in a stay at home area of more than **2 persons**.

From 13 September 2021, an outdoor public gathering in a stay at home area may involve up to **5 persons** (not including persons 12 years old or younger) if every participating person who is over 16 years old:

- has had 2 doses of a COVID-19 vaccine, or has a medical contraindication certificate; and
- is carrying vaccination evidence (eg an online immunisation history statement or a COVID-19 digital certificate from the Australian Immunisation Register) and produces it on request to a police officer.

If these requirements are not meet a outdoor public gathering can have no more than 2 persons.

These limits do not apply to the following:

- persons carrying out work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises

- a gathering for a small funeral or memorial service, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service.
- A gathering for a small wedding service, at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service.

(E) Fitted face coverings

A person over the age of 12 years in a stay at home area must carry a fitted face covering unless the person is at their place of residence.

A person over the age of 12 years in a stay at home area must wear a fitted face covering (over both the nose and mouth) at all times while in settings that also apply to the general area – refer to *fitted face coverings* in the **general area**.

In addition, a person in a stay at home area must wear a fitted face covering:

- in an indoor or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service; or
- on a domestic commercial aircraft, including when flying above a stay at home area.

The operator of a hospitality venue in a stay at home area must ensure all persons working at the venue comply with these rules.

Where a worker is employed, contracted or subcontracted to carry out work at an airport in the stay at home area, the person who employs, contracts or subcontracts them must ensure that the worker wears a fitted face covering over both their mouth and nose while working.

The same exceptions that apply to the wearing of face coverings in the general area apply to a stay at home area. In addition, a person is allowed to remove their face covering in a stay at home area if they are engaging in physical exercise.

(F) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in a stay at home area to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in a stay at home area must not allow persons to sing indoors unless:

- the singers are performers and performing or rehearsing, or
- the singers are in an education establishment, or
- the persons are singing for the purpose of instruction in singing.

(iii) Property inspections

A person must not conduct an open inspection of real estate in a stay at home area for the sale or lease of the real estate in a stay at home area where people attend in person.

This does not prevent a person carrying out an inspection of real estate if—

- the person has made an appointment to carry out the inspection, and
- no more than 1 person inspects the real estate at any 1 time.

(iv) Auctions

A person must not conduct an auction at premises in a stay at home area at which persons attend in persons.

An auction for food supply, or livestock, fibre or crops is exempt from this direction and can continue to be open to the public for this purpose.

Directions applying to areas of concern

(A) Staying at home

A person whose place of residence is in an area of concern must not, without reasonable excuse be away from the person's home, or be away from the temporary accommodation wherever located.

This does not apply to a person who is homeless or a person who has not been in an area of concern area during the previous 14 days.

Curfew: A person in an area of concern is not able to be away from their home between the hours of 9pm on a day and 5am on the following day other than for the purposes of work, arranging childcare, medical reasons or donating blood, providing care to others, emergencies, animal welfare and legal obligations as outlined below.

If requested by a police officer, a person must return to the person's place of residence as soon as is reasonably practicable. A police officer may make this request if they have a reasonable suspicion that the person is away from home without a reasonable excuse.

A person is **exempt** from the curfew to drive a person who lives in the same household, or a close family member, or a person who is in a relationship with the person, to or from their place of employment and their home by the most practicable direct route. A person must provide details of the place of employment of the family or household member to a police officer upon request.

Reasonable excuses for an area of concern outside curfew are to/for:

- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attending a job interview or assessment for work if it is not reasonably practicable to undertake the interview or work assessment from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons, including:
 - where two people are in a relationship but do not live together,
 - to accompany another person, whom the person is visiting for compassionate reasons, when the other person is undertaking exercise in accordance with the order
 - in circumstances such as an anniversary of the death of a child or close family member, a visit to a grave. Such a visit must be short in duration and the limit on outdoor public gatherings complied with.
- Family contact arrangements
- To visit a person as a nominated visitor or accompany the person for exercise or outdoor recreation
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations

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- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises
- A priest, minister of religion or member of a religious order – going to the person's place of worship or providing pastoral care
- Driving a person who lives in the same household, or a close family member, to or from their place of employment and their place of residence
- Obtaining goods and services:
 - for the personal or other needs of the person's household, including for vulnerable persons and pets
 - the goods and services must be obtained within 5km from the person's home or temporary accommodation. If they are not reasonably available in the 5km radius, they must be obtained from another place in the area of concern, or if they are not reasonably available in the area of concern, from the closest place to the home that they are reasonably available (for an area of concern in Greater Sydney this must be in Greater Sydney).
 - a person who is at least 16 years of age must carry evidence of name and address or temporary accommodation and produce it to police on request.
 - Only 1 person per day from each household can leave for this reasonable excuse unless it is not reasonably practicable. Browsing is not permitted.
- Exercising, allowing a child who is 12 years or younger to play, supervising a child who is 12 years or younger who has left the residence to play no further than 5km from the person's place of residence
 - for a person 16 years or over who is exercising or taking a child to play or supervising a child playing, they must carry evidence of their name and address or temporary accommodation and produce it to police if requested
- Outdoor recreation no more than 5km from home, for up to 2 hours per day, where the person has received 2 doses of a COVID-19 vaccine or has a medical contraindication certificate or is under 16 years old. This recreation may only be undertaken with other people who, if they are 16 years old or older, have also received 2 doses of a COVID-19 vaccine or have a medical contraindication certificate issued to them. Any person 16 years old or older must carry evidence of their name and residence, and their vaccination evidence (including any medical contraindication certificate) and must produce it to a police officer on request.

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- Attending a funeral or memorial service or gathering afterwards in the area of concern, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service. To attend a funeral or memorial service or gathering afterwards outside the area of concern it is only a reasonable excuse for the spouse, de facto partner, parent, child or sibling of the deceased person to attend
- Attending a wedding service (but not a gathering afterwards) of no more than 5 people excluding the persons legal necessary for the service (eg persons getting married, person marrying them and witnesses) and 1 person recording the service. For a person who is a guest, it is an excuse to leave their residence to attend a wedding service if the service is in the area of concern. To attend a wedding service outside the area of concern, it is only a reasonable excuse for the following to attend:
 - the parent, child or sibling of one of the persons getting married; or
 - the person recording the service; or
 - a person who is legally necessary to conduct the service.

A person who resides in Greater Sydney may not attend a small wedding service held outside Greater Sydney.

- Driving a person who lives in the same household, or a close family member, to or from their place of employment and their place of residence
- Where the person is the owner or occupier of a maritime vessel, travelling by the most practical direct route to a marina or mooring where their vessel is moored, to undertake work on the vessel to ensure that it remains seaworthy. This includes being able to take a voyage under the vessel's power or under sail. The person must take reasonably practicable steps to remain 1.5 metres away from other people while at the marina or mooring, and must wear a mask while at the marina or mooring.
- Undertaking a driving lesson between 5am and 9pm, where the person is either a learner driver or is supervising a learner driver from the same residence in a driving lesson. No person other than the learner driver and the person supervising them must be in the vehicle, unless they are a child 12 years or younger. Both the learner driver and the person supervising them must carry evidence of their name and place of residence, and must produce this evidence for inspection if a police officer requests it.

(B) Leaving an area of concern for work

A person who is at least 16 years of age and who lives in an area of concern must not leave the area of concern for the purposes of work unless the person is an authorised worker. The list of authorised workers can be found at <https://www.nsw.gov.au/covid-19/rules/authorised-workers>

FOR INTERNAL USE ONLY

An authorised worker must not leave the area of concern for work without a permit issued by Service NSW. An authorised worker does not need a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel
- A person engaged by the ADF to undertake work on ADF infrastructure and vessels and must provide a letter or other document from the ADF indicating that the person is providing services to the ADF on request of a police officer.
- A flight crew member who goes directly from a flight arriving in NSW to a quarantine facility or medical facility under the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) 2021* (or an order replacing that order).

An officer of the Australian Security Intelligence Organisation performing work for that organisation is exempt from the need to obtain a permit, but must provide identification to a police officer upon request.

An officer engaged by the Commonwealth Department of

From 9 September 2021, an authorised worker who is at least 16 years old must not leave the area of concern for work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contraindication certificate. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

When leaving the area of concern for work the authorised worker must carry and produce evidence of the worker's name, address and vaccination for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Between 9-19 September 2021, the requirements above will be satisfied if the authorized worker has an appointment to receive the COVID-19 vaccine on or before 19 September 2021 and

produces evidence of the appointment for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

This does not apply to a person who has not been in the area of concern in the last 14 days.

(C) Entering an area of concern for work

A person must not enter an area of concern to carry out work in the area of concern without a permit issued by Service NSW. A person does not require a permit to provide an emergency service.

The following persons are also exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel
- A person engaged by the ADF to undertake work on ADF infrastructure and vessels and must provide a letter or other document from the ADF indicating that the person is providing services to the ADF on request of a police officer.
- A flight crew member who goes directly from a flight arriving in NSW to a quarantine facility or medical facility under the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) 2021* (or an order replacing that order).

An officer of the Australian Security Intelligence Organisation performing work for that organisation is exempt from the need to obtain a permit, but must provide identification to a police officer upon request.

(D) Closure of premises

(i) Premises that must not be open

Premises in an area of concern that must not be open to members of the public are the same as those that apply to premises in a stay at home area. Refer above.

(ii) Premises that must not be open except in limited circumstances

Premises in an area of concern that must not be open to members of the public except in limited circumstances are the same as those that apply to premises in a stay at home area. Refer above.

(iii) Retail premises

All retail premises in an area of concern must be closed to the public except:

- chemists and pharmacies
- kiosks
- supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops
- vehicle hire premises (but not premises where vehicles are sold)
- shops that predominantly sell food and drinks (butchers, bakeries, fruit shops, delicatessens but not restaurants and cafes)
- shops that predominantly sell in the course of the normal operation of the shop newspapers, magazines and stationery; alcohol; maternity and baby supplies; medical or pharmaceutical supplies
- shops that predominantly carry out repairs of mobile phones

Service stations, banks, post offices, laundromats and dry cleaners can remain open.

Retail premises can still provide “click and collect” and home delivery services.

The following premises must not be open to members of the public, but may be open to trade or business customers:

- Garden centres and plant nurseries
- Hardware and building supplies
- Landscaping material supplies
- Rural supplies
- Timber yards.

(iv) Caravan parks and camping grounds

Rules around caravan parks or camping grounds in an area of concern are the same as those caravan parks or camping grounds in a stay at home area. Refer above.

(v) Exceptions

Exceptions that apply to premises in stay at home area also apply to premises in an area of concern. Refer above.

(E) Maximum number of persons permitted on premises

(i) Generally

An occupier of premises in an area of concern (including an operator of a vehicle or vessel) is subject to the same capacity restrictions as those premises in a stay at home area. Refer above.

(ii) Holiday home or short-term rental

The occupier of premises in an area of concern must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

(iii) Place of residence

If the place of residence of a household is in an area of concern, each member of the household who is an adult must not allow a person to visit the place of residence unless the person is an authorised visitor. A person must not visit a place of residence in an area of concern area unless the person is authorised.

A member of the household is not a visitor.

(iv) Persons authorised to visit place of residence

A person is authorised for any of the following purposes -

- for childcare
- for family contact arrangements
- to assist a person moving to or from the home
- to avoid an injury or illness, to escape a risk of harm, or because of an emergency
- to inspect the place of residence for sale or lease or to participate in an auction of the place of residence
- for carer's responsibilities or to provide care or assistance to a vulnerable person (up to 2 persons can visit for this purpose but the 2nd person can only attend if required for the care or assistance to be provided safely)
- for compassionate reasons but no more than 1 visitor at a time

A person is also an authorised visitor, but there can only be **one visitor at a time** in the home:

- for compassionate reasons, including where 2 persons are in a relationship but don't live together

- is a nominated visitor of an individual who resides alone (“nominated visitor”)

A person may be a nominated visitor only if:

- no other individual has been a nominated visitor for the person, or the nominated visitor of the person becomes unable to be the person’s nominated visitor, and
- the nominated visitor has not been nominated as a visitor for another person, and
- the nominated visitor lives within 5 km of the person.

The person must have been issued a permit by Service NSW for the nominated visitor.

Note: A child is able to accompany a visitor for carer’s responsibilities, to provide assistance or care to a vulnerable person, for compassionate reasons or as a nominated visitor if they need to be supervised by an adult and alternative childcare is not reasonably available.

A person is not visiting, or a visitor to, a home if the person is a member of that household.

(v) Workers authorised to visit place of residence

A worker is authorised to visit a place of residence in an area of concern to carry out work.

Prescribed work (cleaning, repairs and maintenance, alterations and additions to buildings, or work carried out as part of a trade, including electrical work or plumbing) can only be carried out in a home in an area of concern area if:

- it is necessary
- it is carried out in an outdoor area and no more than 5 workers visit the home at any time.

Prescribed work is necessary:

- if it is urgently required to be carried out to ensure the health, safety or security of the home or residents, or
- because of an emergency, or
- if it is for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or fire protection and safety, or
- for prescribed work that is cleaning or repairs and maintenance – the work is carried out
 - at a home that is unoccupied when the work is being carried out, and
 - because it is necessary for the sale or lease of the place of residence.

(vi) Vehicles (car pooling)

A person in a vehicle in an area of concern is subject to the same limitations and requirements as a person in a vehicle in a stay at home area – refer above.

(vii) Construction sites

An occupier of a construction site in an area of concern is subject to the same requirements and obligations as an occupier of a construction site in a stay at home area.

(F) Outdoor public gatherings

A person in an area of concern must not participate in an outdoor public gathering of more than **2 persons** just like in a stay at home area.

The 2 person limit does not apply to the following:

- persons engaged in work
- persons providing care or assistance to vulnerable persons
- an exempted gathering (see Schedule B)
- gatherings of persons from the same household
- a gathering to provide emergency assistance to a person/s
- a gathering to fulfil a legal obligation
- a gathering to move to a new home, and including a business moving to new premises
- a gathering for a small funeral or memorial service, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service
- A gathering for a small wedding service, at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service.

(G) Fitted face coverings

A person over the age of 12 years in an area of concern must carry a fitted face covering unless the person is at their place of residence, just like in a stay at home area.

A person over the age of 12 years in an area of concern must wear a fitted face covering over the nose and mouth while the person is –

- in an indoor area or outdoor area other than a place of residence, or
- in an indoor area on common property for residential premises, or
- at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service, or
- on a domestic commercial aircraft, including when flying above an area of concern.

The operator of a hospitality venue in an area of concern must ensure all persons working at the venue comply with these rules.

Where a worker is employed, contracted or subcontracted to carry out work at an airport in an area of concern, the person who employs, contracts or subcontracts them must ensure that the worker wears a fitted face covering over both their mouth and nose while working at the airport.

The same exceptions that apply to the wearing of face coverings in a general area apply to areas of concern – refer above.

(H) Miscellaneous

(i) Working from home

An employer must require an employee whose place of residence is in an area of concern to work from home unless it is not reasonably practicable to do so.

(ii) Singing indoors

An occupier of non-residential premises in an area of concern is subject to the same restrictions on singing indoors as an occupier of non-residential premises in a stay at home area. Refer above.

(iii) Property inspections and auctions

Property inspections in an area of concern are subject to the same restrictions as those in a stay at home area. Refer above.

(iv) Educational institutions

Classes, lectures, exams or other teaching or assessment sessions must not be conducted at an educational institution in an area of concern if students attend in person. This does not apply to a school or to an educational institution operated by NSW Health.

(v) Vaccinations – early education and care and disability support

From 9 September, a relevant care worker who is at least 16 years of age (certain workers in early education and care facilities and providing a disability service and whose place of residence or place of work is in an area of concern) must not enter or remain in the worker's place of work unless the worker has had at least 1 dose of a COVID-19 vaccine or has been issued with a medical contradiction certificate. The relevant care worker must, when entering the worker's place of work, carry and produce for inspection evidence of the person's name, address and vaccination if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Between 9-19 September 2021, the requirements above will be satisfied if the relevant care worker has an appointment to receive the COVID-19 vaccine on or before 19 September 2021 and produces evidence of the appointment for inspection if requested by the worker's employer, the occupier of the worker's place of work, a police officer, or an authorised officer.

Additional directions for Greater Sydney

Greater Sydney means the Greater Sydney region (including the Blue Mountains) and the City of Wollongong.

(A) Entering Greater Sydney

A person must not enter Greater Sydney without a reasonable excuse.

A reasonable excuse to enter Greater Sydney is:

- to go to the person's home in Greater Sydney
- obtaining food or other goods or services if they are for the personal needs of the person's household or for other household purposes (including for vulnerable persons or pets) and these are not reasonably available outside Greater Sydney
- Work (including volunteer work for a charitable organisation) if it is not reasonably practicable to work from home
- Attend childcare or pick up and drop off a person at childcare
- Attend a school or other educational facility if the person cannot learn from home
- Obtain medical care, including a COVID-19 test or vaccination, medical or health supplies or donate blood
- Fulfil carer's responsibilities or provide care or assistance to a vulnerable person
- Compassionate reasons including where two people are in a relationship but do not live together
- Family contact arrangements
- Provide emergency assistance to a person or in an emergency or to avoid illness, injury or risk of harm
- Feed an animal or for animal welfare
- Fulfil legal obligations
- Accessing public services such as social services, employment services, domestic violence, victim, mental health services
- Move to a new home or inspect real property (i.e. real estate) or move between places of residence of the person
- Leave temporary accommodation if the booking has expired and the person goes directly to the person's new home which may also be temporary accommodation
- Supervise or facilitate a business moving to new premises

- A priest, minister of religion or member of a religious order – going to the person’s place of worship or providing pastoral care
- Attending a small funeral or memorial service or gathering afterwards in Greater Sydney, at which there are no more than 10 persons excluding the person conducting the service and others necessary for the conduct and preparation of the service (see specific rules for stay at home areas and areas of concern above).
- Attending a small wedding service in Greater Sydney, at which there are no more than 5 persons present, excluding one person to record the service and the persons legally necessary to conduct the service (see specific rules for stay at home areas and areas of concern above).

Taking a holiday is NOT a reasonable excuse.

(B) Leaving Greater Sydney

(i) Testing of workers leaving Greater Sydney

A person who resides in Greater Sydney must not enter premises that are more than 50km outside of Greater Sydney for the purposes of work unless the person –

- has been tested for COVID-19 in the previous 7 days, and
- carries evidence of the test, and
- carries evidence showing the address of the person’s place of residence.

For non-residential premises, the occupier must not allow the person to enter or remain on the premises unless the person satisfies the occupier that the person has been tested for COVID-19 within the previous 7 days.

The person must produce the evidence of the test for inspection by the occupier or the person’s employer on request.

The person 16 years and older must, if requested to do so by a police officer, produce evidence of the test and evidence showing the person’s address.

Exemption: an emergency services worker and their employer are exempt from these requirements if the worker’s usual workplace is in Greater Sydney and the worker travels outside of Greater Sydney in the course of their duties (e.g. attending a urgent callout while on shift).

(ii) Permits for persons leaving Greater Sydney

A person who resides in Greater Sydney who:

- is moving either temporarily or permanently to a place of residence outside Greater Sydney, or
- goes more than 50km from Greater Sydney to carry out work, or

- is leaving Greater Sydney to inspect residential property

must not leave Greater Sydney without a permit issued by Service NSW.

The person must comply with the conditions included in the permit and must carry the permit and produce the permit for inspection if requested do so by a police officer.

A person does not need a permit to provide emergency services. Until 3:00pm on 25 August 2021, NSW Health staff, a person providing services to a local health district or a statutory health corporation, a staff member licensed under the Private Health Facilities Act 2007, a medical practitioner providing GP locum services and a member of the ADF are also exempt.

The following persons are exempt from the need to obtain a permit, but must provide details of their workplace(s) and employer(s) to a police officer upon request:

- a person providing aeromedical retrieval
- a person providing patient transport services
- a person providing organ transport and retrieval
- a registered health practitioner who is undertaking work because of an emergency
- a registered health practitioner who is undertaking work because of unforeseen or unplanned circumstances or who provides health services at a public health facility or private health facility or health practice as a locum or as part of an agency service
- ADF personnel
- A person engaged by the ADF to undertake work on ADF infrastructure and vessels and must provide a letter or other document from the ADF indicating that the person is providing services to the ADF on request of a police officer.

An officer of the Australian Security Intelligence Organisation is exempt from the need to obtain a permit if they are travelling to carry out work, but must provide identification details to a police officer on request.

(iii) Leaving Sydney to move between homes or to inspect property

A person who resides in Greater Sydney must not leave Greater Sydney:

- to move between places of residence of the person unless the movement:
 - is for the person's work and only the person moves to the other place of residence, or

- is for urgent maintenance or repairs or animal welfare and only 1 person moves to the other place of residence, or
- to inspect residential property unless:
 - the person has a genuine intention to reside outside Greater Sydney as soon as practicable, and
 - the person inspects the property as a potential place of residence for the person.

(iv) Carrying evidence of name and address when leaving Greater Sydney

A person who is 16 years and older who resides in Greater Sydney and who is outside Greater Sydney must:

- carry evidence showing the address of the person's name and place of residence, and
- produce the evidence for inspection if requested to do so by a police officer.

(C) Construction sites

An occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number allowed by the 1 per 4 sqm rule or the number of persons that equals 50% of the maximum daily workforce of the construction site as per the site's current resourcing plan (whichever is less).

The maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle (i.e. the period from the commencement of work on the construction site to the completion of work), derived from the current resourcing plan for the construction site.

Construction site means a place at which work including excavation is being done to erect, demolish, extend or alter a building or structure or at which civil works are being carried out but not work on a dwelling in which the person is living.

A construction site is required to have a COVID-19 Safety Plan, with the completed checklist.

(i) Vaccination required to work on construction sites in Greater Sydney

A person whose place of residence or temporary accommodation is in an area of concern must not enter or remain on a construction site in Greater Sydney unless the person:

- has had 2 doses of a COVID-19 vaccine, or
- has had 1 dose of a COVID-19 vaccine at least 21 days prior to being on site, or
- has had 1 dose of a COVID-19 vaccine within 21 days and has been tested for COVID-19 in the 72 hours before being on site, or

- has a medical contraindication certificate issued to them and has been tested for COVID-19 in the 72 hours before being on site. NSW Health has a form for this certification at <https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf>

A person who lives or has temporary accommodation in a declared area who enters or remains on a construction site must carry the required evidence and produce it for inspection if requested by the person's employer, or the occupier of the construction site, or a police officer or authorised officer.

An occupier of a construction site must not permit a person who lives in a declared area to enter or remain on the construction site unless the occupier is satisfied the person has complied with the above and is carrying the required evidence.

The 'required evidence' includes proof of residence and, as relevant to the person, evidence from the Australian Immunisation Register that the person has been vaccinated, evidence that the person has had a COVID-19 test (e.g. an SMS or email from the testing organisation), or a certificate of the medical contraindication.

The above does not apply to a person entering or remaining on a construction site because of an emergency, a police officer or an authorised officer.

Other directions applying to all areas

(D) Answering questions from contact tracers and providing other information

A person must, if requested by an authorised contact tracer:

- answer questions or provide other information about the person's movement, and
- provide the person's contact details.

A person must provide true and accurate evidence or information to a contact tracer.

A person must also provide true and accurate evidence and information in response to a request under the order or to Service NSW.

(E) Responses to police requests about who is in COVID-19 risk premises

A **'COVID-19 risk premises'** is a residence or place at which a person diagnosed with COVID-19 or a close contact is residing.

A person who is residing or present at a COVID-19 risk premises must respond to any request made by a police officer for information about who is residing or present at the premises.

If a police officer knocks at a door of a COVID-19 risk premises, a resident is required to open the door and comply with the request of the officer. A request for information by the officer may include a request to provide the name and contact details of persons residing or present at the premises, whether at the time of the request or generally.

(F) High COVID-19 risk premises

A "high COVID-19 risk premises" is a premises that has one or more dwellings and at least one is a COVID-19 risk premises and the Minister has declared by a notice published on the NSW Health website that the premises should be closed following advice from a public health officer that there is a risk of transmission of COVID-19 between residents. This power has been delegated to the Commissioner.

If the Minister declares particular premises to be "High COVID-19 Risk Premises", this stays in effect for 14 days unless the Minister revokes it earlier. The Minister must notify or make arrangements for residents and non-residents at the premises at the time of the declaration that the premises have been declared.

A person **living in the premises** (permanently or temporarily) must do the following:

- Not leave their residence during the period of the declaration, unless instructed to do so by either an authorised medical practitioner or by the Commissioner or in an emergency. A direction to leave can include a direction to go to a quarantine facility, hospital or other medical facility.
- If they are not in their residence in the declared premises at the time of the declaration, they must return to that residence immediately after they become aware of the declaration, unless a medical practitioner, registered nurse or paramedic decides they should instead go directly to a hospital for assessment.
- If they are directed to do so by the Commissioner, they must provide information that assists in identifying other people who live in the declared premises and non-residents who were in the premises at the time of the declaration. This information must be true and accurate
- If requested by an authorised medical practitioner, they must be tested for COVID-19
- If they refuse to comply with a request from an authorised medical practitioner to be tested for COVID-19, they must stay in their residence until they are medically cleared.

During this time they are not permitted to leave their residence except under instructions from the Commissioner or an authorised medical practitioner, or because of an emergency that requires them to leave. They are also not to allow another person into their residence unless that person usually lives in the same residence, or the person is complying with a direction under the *Public Health (COVID-19 Self-Isolation) Order (No 3) 2021*, or the person is entering for emergency reasons. They must comply with the NSW Health self-isolation guideline.

Where the Commissioner has made this declaration about particular premises, **non-residents** who were in the premises at the time of the declaration must:

- Comply with instructions given by the Commissioner or an authorised medical practitioner, including an instruction to go to a quarantine facility, hospital or other medical facility OR instructions to stay in the premises until medically cleared
- If requested by an authorised medical practitioner, they must be tested for COVID-19
- If the person is instructed to remain in the premises until medically cleared, the requirements listed above for residents apply to them as though they were a resident.

Where the Minister has made this declaration about particular premises, no-one is allowed to enter the premises other than:

- A person living in the premises who is returning after learning of the declaration
- A police officer
- Someone entering at the direction of a police officer
- Someone entering to provide medical treatment or care to a person living or staying in the premises
- Someone entering in connection with testing people living or staying in the premises for COVID-19
- Someone entering in connection with vaccinating people living or staying in the premises against COVID-19
- Someone entering to comply with a direction under the *Public Health (COVID-19 Self-Isolation) Order (No 3) 2021*
- Someone entering to perform functions or provide services necessary for the ordinary operation of the premises
- Someone entering because of an emergency

A person involved in the management of High COVID-19 Risk Premises must, if directed by the Commissioner, provide information that assists in identifying both people who reside in the premises and non-residents who were present at the time of the declaration.

(G) Travelling through State

This Order does not apply to a person merely because the person:

- travels through the State in a vehicle if the person does not leave the vehicle while in the State, or
- enters the State by road and then travels through the State by the most practicable direct route, or
- enters the State by air and does not leave the airport while in the State, or
- enters the State by vessel or aircraft and then travels directly from the port or airport at which the persons arrived to leave the State by the most practicable direct route, or
- enters the State to travel to a port or airport to leave the State and then travels to the port or airport by the most practicable direct route.

Note: travelling by the 'most practicable route' does not prevent the person stopping for fuel or other necessary supplies for the vehicle or person in the vehicle, taking a rest stop or meal break, or dealing with an emergency.

Schedule A: Exempted gatherings

- 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 a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine or of the commercial vessel
- 11 Gathering at a school, university or other educational institution or childcare 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 St 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

Schedule B: COVID-19 safe outdoor gatherings and controlled outdoor public gatherings

A **COVID-19 safe outdoor gathering** is a gathering where the organiser:

- has and complies with the appropriate COVID-19 Safety Plan, and
- keeps a copy of the COVID-19 Safety Plan and makes it available for inspection.

The organiser of a COVID-19 safe outdoor gathering must ensure that the number of participants in the gathering is the **lesser of**:

- the number permitted by the 4 sqm rule for the premises, or
- ??? persons.

These rules do not apply to:

- a gathering for which a COVID-19 Safety Plan is required (see table below)
- an exempted gathering listed in Schedule A of this Fact Sheet,
- a gathering to provide emergency assistance to a person or persons,
- an agricultural show or agricultural field day,
- a controlled outdoor public gathering.

A **controlled outdoor public gathering** is:

- held in an outdoor public area that is enclosed or bounded by fencing or another form of barrier, and
- requires a ticket to enter, and
- all persons (other than people working at the event) are assigned to specific seats or a seating area.

The restrictions on controlled outdoor public gatherings do not apply to:

- a gathering on premises for which a person is required to develop and keep a COVID-19 Safety Plan (see table below)
- a gathering listed in **Schedule A** (exempted gatherings)

The organiser of a controlled public gathering must:

- ensure the above requirements are met
- have and comply with the appropriate COVID-19 Safety Plan, and
- keep a copy of the COVID-19 Safety Plan and make it available for inspection.

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No.	Premises and events requiring COVID-19 Safety Plan
1	Agricultural shows or agricultural field days
2	Amusement centres
3	Aquariums
4	Auctions, open houses or other inspections or viewings of real property for sale or lease
5	Business premises that are used for auction houses, other than clearing houses
6	Business premises that are used for betting agencies
7	Business premises that are used for nail salons, beauty salons, hair dressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
8	Caravan parks and camping grounds
9	Casinos
10	Community centres
11	Construction sites in Greater Sydney
12	COVID-19 safe outdoor public gatherings
13	Controlled outdoor public gatherings
14	Crematoria
15	Drive-in cinemas
16	Entertainment facilities
17	Food and drink premises (other than food courts)
18	Food courts
19	Function centres
20	Funeral homes
21	Funerals and memorial services and gatherings after funerals and memorial services
22	Information and education facilities
23	Large residential gatherings
24	Markets
25	Micro-breweries, small distilleries holding a drink on-premises authorisation under the Liquor Act 2007 or cellar door premises

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26	Nightclubs
27	Party buses
28	Places of public worship and religious services on other premises
29	Places of residence, holiday homes and short-term rentals with more than 100 visitors
30	Properties operated by the National Trust or the Historic Houses Trust
31	Public swimming pools (excluding natural swimming pools)
32	Pubs, small bars, registered clubs and nightclubs
33	Recreation facilities (indoor)
34	Recreation facilities (major)
35	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
36	Sex services premises
37	Short-term rental or tourist and visitor accommodation on Lord Howe Island
38	Strip clubs
39	Vessels used for hosting functions or for commercial tours
40	Wedding services and gatherings after wedding services
41	Zoological parks and reptile parks

Notes on police powers

Note on children who breach directions under the Public Health Act

- The *Young Offenders Act 1997* (YOA) applies to breaches of the *Public Health Act* by children and young persons aged 10 years or more, but less than 18 years (remember: the face covering direction does not apply to children 12 years and under).
- Breaches of the *Public Health Act* are summary offences, so *warnings* under the YOA are an available enforcement option, in addition to youth *cautions* and *conferences*.
- Penalty notices may be issued to children and young persons (use discretion).
- *Doli incapax* applies to children who are aged 10 years or more, but less than 14 years.

Powers generally

- Unless otherwise provided for in this Order, under s 112 of the *Public Health Act 2010*, a police officer can direct a person to state their full name and residential address, if the police officer **suspects** the person is breaching the order.
- The safeguards in sections 202 and 203 of LEPR must be applied if a police officer exercises any power to issue a direction, requirement or request, whether under the *Public Health Act 2010* or under one of the Public Health Orders. This includes a direction or requirement for someone to disclose their identity.
- Police have no general right of entry to a private residence to enforce the Health Minister's Direction such as the visitor rules.
- If entry is denied by the owner/occupier/person apparently in charge of the premises, police may be able to rely on s 10 of LEPR. Police must suspect on reasonable grounds that a person has committed or is committing an offence, is on the premises, and the police officer is reasonably satisfied that the person needs to be arrested for one or more reasons outlined in s 99(1)(b) of LEPR, e.g. to stop the person committing or repeating the offence, establish the person's identity etc.
- Section 10 of LEPR allows a police officer to enter premises and stay for a reasonable time to arrest a person. Any force used must always be reasonable. If arresting a person, the intention of the police officer at the time must be to take the person back to a police station to charge the person.
- The arrest may be discontinued under s 105 LEPR if it is later determined that the reason for the arrest no longer exists or it is more appropriate to deal with the person in some other manner, e.g. Penalty Notice.
- Safeguards under section 202 of LEPR apply when police are exercising a power to enter premises or arrest a person.
- An alternative means of entry is by warrant under the *Public Health Act* (PHA). Section 109 permits authorised officers to apply for a search warrant if the authorised officer suspects that a provision of the Act or Regulations has been or is being contravened on premises. Police are not authorised officers for this purpose. Contact should be made with the POC who can assist with having NSW Health make those enquiries with its authorised officers.

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TOPIC	PENALTY NOTICE	OFFENCE CODE	REG CODE	PENALTY AMOUNT
FACE COVERINGS - CHILDREN	15 years old or younger not wear/carry fitted face covering	97105	Reg Code HZZ	\$40
*Remember a child under 12 can not be infringed for face covering offences as they are exempt.	16 or 17 years old not wear/carry fitted face covering	97104	Reg Code PUW	\$80
FACE COVERINGS - ADULT	Not wear fitted face covering in retail/business premises	96587	Reg Code YLL	\$500
	Not wear fitted face covering in licensed gaming area	96588	Reg Code EIJ	\$500
	Not wear fitted face covering in entertainment facility	96589	Reg Code QLU	\$500
	Not wear fitted face covering in place of public worship etc	96590	Reg Code CRL	\$500
	Not wear fitted face covering residential aged care facility	96591	Reg Code OXS	\$500
	Not wear fitted face covering public transport waiting area	96592	Reg Code FIQ	\$500
	Not wear fitted face covering in public transport/taxi etc	96593	Reg Code XFT	\$500
	Not wear fitted face covering - hospitality venue worker	96594	Reg Code SBR	\$500
	Operator not ensure hospitality workers wear fitted face coverings - individual	96595	Reg Code WAN	\$1,000
>> Corporation Only >>	Operator not ensure hospitality workers wear fitted face coverings - corporation	896595	Reg Code EJO	\$5,000
	Not wear face covering in indoor area of non-residential premises	96953	Reg Code OPI	\$500
	Not wear fitted face covering in prescribed outdoor gathering	96954	Reg Code HSY	\$500
	Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001	Reg Code MME	\$500
	Fail to comply with any other wear face covering directive – individual	96960	Reg Code GYJ	\$500
Outdoor Gatherings	Not comply with outdoor public gatherings direction (stay at home area)	97721	Reg Code VKB	\$3,000
	Not comply with outdoor public gatherings direction (area of concern)	97722	Reg Code BFO	\$3,000

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Curfew (9pm-5am) Area of concern	Not comply with curfew – area of concern – individual	97729	Reg Code UGR	\$1,000
>> Corporation Only >>	Not comply with curfew – area of concern - corporation	897729	Reg Code NHU	\$5,000
Contact Tracer and Service NSW Requirements	Fail to answer questions from contact tracers and provide details as prescribed	97723	Reg Code XAM	\$5,000
	Not ensure true and accurate information provided to authorised contact tracer	97725	Reg Code AQN	\$5,000
	Not ensure true and accurate information provided to Service NSW	97724	Reg Code CCU	\$5,000
Working from Home	Employer fail to require employee to work from home (stay at home area) – Individual	97711	Reg Code TTA	\$2,000
	Employer fail to require employee to work from home (area of concern) – Individual	97712	Reg Code HSU	\$2,000
>> Corporation Only >>	Employer fail to require employee to work from home (stay at home area) – Corporation	897711	Reg Code KKV	\$10,000
>> Corporation Only >>	Employer fail to require employee to work from home (area of concern) – Corporation	897712	Reg Code IXQ	\$10,000
Construction Sites	Enter/remain on construction site not vaccinated/tested as prescribed – individual	97246	Reg Code EUG	\$2,000
>> Corporation Only >>	Enter/remain on construction site not vaccinated/tested as prescribed – corporation	897246	Reg Code TFF	\$10,000
	Occupier of construction site permit unlawful entry etc – individual	97248	Reg Code PXP	\$2,000
>> Corporation Only >>	Occupier of construction site permit unlawful entry etc – corporation	897248	Reg Code TKY	\$10,000
	Enter/remain on construction site not have/produce prescribed evidence – individual	97247	Reg Code XXT	\$2,000
>> Corporation Only >>	Enter/remain on construction site not have/produce prescribed evidence – corporation	897247	Reg Code FZH	\$10,000
Testing Workers	Not comply with requirements for testing workers leaving Greater Sydney	97715	Reg Code CKZ	\$3,000
Leave Greater Sydney	Leave Greater Sydney for prescribed purposes without permit	97716	Reg Code KAA	\$3,000

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	Leave Greater Sydney to unlawfully move between homes or inspect property	97717	Reg Code LFJ	\$3,000
	Person 16 years and over not carry identification evidence outside Greater Sydney	97718	Reg Code FFW	\$3,000
	Person 16 years and over not carry permit outside Greater Sydney	97719	Reg Code PJO	\$3,000
	Person relying on permit not comply with permit conditions	97720	Reg Code HUK	\$3,000
Any Other Breach Not Listed	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual (this is the offence for any other breach of this Order by an Individual)	95638	Reg Code ZZE	\$1,000
>> Corporation Only >>	Fail to comply with noticed direction (other than a face covering breach or other listed breach) – CORPORATION (this is the offence for any other breach of this Order by a Corporation)	895638	Reg Code YUW	\$5,000

COURT ATTENDANCE NOTICE	LAW PART CODE	PENALTY
15 years old or younger not wear/carry fitted face covering	97105	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. \$55,000 fine. \$27,500/day offence continues
16 or 17 years old not wear/carry fitted face covering	97104	
Not wear fitted face covering in retail/business premises	96587	

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Not wear fitted face covering in licensed gaming area	96588		
Not wear fitted face covering in entertainment facility	96589		
Not wear fitted face covering in place of public worship etc	96590		
Not wear fitted face covering residential aged care facility	96591		
Not wear fitted face covering public transport waiting area	96592		
Not wear fitted face covering in public transport/taxi etc	96593		
Not wear fitted face covering - hospitality venue worker	96594		
Operator not ensure hospitality workers wear fitted face coverings - individual or corporation	96595		
Not wear face covering in indoor area of non-residential premises	96953		
Not wear fitted face covering in prescribed outdoor gathering	96954		
Not wear fitted face covering indoor area of common property – in stay at home area or area of concern	97001		
Fail to comply with any other wear face covering directive – individual or corporation	96960		
Not comply with outdoor public gatherings direction (stay at home area)	97721		
Not comply with outdoor public gatherings direction (area of concern)	97722		

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Not comply with curfew – area of concern – individual or corporation	97729		
Fail to answer questions from contact tracers and provide details as prescribed	97723		
Not ensure true and accurate information provided to authorized contact tracer	97725		
Not ensure true and accurate information provided to Service NSW	97724		
Employer fail to require employee to work from home (stay at home area) – individual or corporation	97711		
Employer fail to require employee to work from home (area of concern) – individual or corporation	97712		
Enter/remain on construction site not vaccinated/tested as prescribed – individual or corporation	97246		
Enter/remain on construction site not have/produce prescribed evidence – individual or corporation	97247		
Occupier of construction site permit unlawful entry etc – individual or corporation	97248		
Not comply with requirements testing workers leaving Greater Sydney	97715		
Leave Greater Sydney for prescribed purposes without permit	97716		

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Leave Greater Sydney to unlawfully move between homes or inspect property	97717		
Person 16 years and over not carry identification evidence outside Greater Sydney	97718		
Person 16 years and over not carry permit outside Greater Sydney	97719		
Person relying on permit not comply with permit conditions	97720		
95638 Fail to comply with noticed direction (other than a face covering breach or other listed breach) – individual or corporation	95638		