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New South Wales

Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment (No 4) Order 2021

under the

Public Health Act 2010

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

Dated 9 July 2021.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The objects of this Order are as follows—

- (a) to require the wearing of fitted face coverings in indoor areas on common property in certain residential premises in Greater Sydney,
- (b) to remove an exemption from the requirement to wear a fitted face covering on a construction site,
- (c) to limit the circumstances in which a person may enter Greater Sydney to—
 - (i) obtain food or other goods or services, or
 - (ii) attend gatherings for, and following, funeral or memorial services,
- (d) to prohibit persons entering Greater Sydney for exercise or outdoor recreation,
- (e) to limit outdoor public gatherings in Greater Sydney to 2 persons,
- (f) to require a person who is at least 18 years of age and who is leaving Greater Sydney to—
 - (i) carry evidence showing their address, and
 - (ii) produce that evidence if required to do so by a police officer,
- (g) to only permit 1 member of a household to go out to obtain food, goods or services once per day,
- (h) to require persons in Greater Sydney who go out for exercise or outdoor recreation to—
 - (i) remain within their own local government areas or within 10 kilometres of their homes, and
 - (ii) not carpool with persons who are not part of their household, and
 - (iii) for persons who are at least 18 years of age— to carry evidence showing their address and produce the evidence if required to do so by a police officer,
- (i) to place further restrictions on gatherings for, and following, funeral or memorial services by—
 - (i) limiting to 10 the number of persons at the gathering if it is in Greater Sydney, and
 - (ii) allowing only close family members of the deceased person to leave Greater Sydney to attend the gathering if it is outside Greater Sydney.

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Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment (No 4) Order 2021

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment (No 4) Order 2021*.

2 Commencement

- (1) This Order commences at 5pm on 9 July 2021 except as provided by this clause.
- (2) Schedule 1[1] and [3] commence at the beginning of 13 July 2021.
- (3) Schedule 1[6], [11], [12] and [15] commence at the beginning of 11 July 2021.

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

[1] Clause 17 Direction to wear fitted face coverings

Insert after clause 17(1)(a)—

- (a1) in an indoor area on common property for residential premises in Greater Sydney, and

[2] Clause 17(3)(m)

Omit the paragraph.

[3] Clause 17(6)

Insert in alphabetical order—

common property means the following—

- (a) common property within the meaning of the *Strata Schemes Development Act 2015*,
- (b) association property within the meaning of the *Community Land Development Act 1989*,
- (c) in relation to premises under company title, a part of the premises—
 - (i) used as common property by the residents of the premises, or
 - (ii) that no person has an exclusive right to occupy.

[4] Clause 20 Direction of Minister concerning staying at home

Omit clause 20(2), note.

[5] Clause 21 Direction of Minister concerning entering Greater Sydney

Omit clause 21(2)(b). Insert instead—

- (b) doing an activity specified in Schedule 1, items 2–4, 6 or 8–16, or
- (b1) obtaining food or other goods or services if—
 - (i) the food, goods or services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
 - (ii) the food, goods or services, or equivalent food, goods or services, are not reasonably available outside Greater Sydney, or

[6] Clause 21(2)(c)

Omit clause 21(2)(c). Insert instead—

- (c) attending a funeral or memorial service, or a gathering following a funeral or memorial service, at which there are no more than 10 persons, including the person conducting the service.

[7] Clause 22AA

Insert after clause 22—

22AA Direction of Minister concerning person leaving Greater Sydney

A person who is at least 18 years of age who is leaving Greater Sydney must—

- (a) carry evidence showing the address of the person's place of residence or temporary accommodation, and
- (b) produce the evidence for inspection if requested to do so by a police officer.

[8] Part 4, Division 3, heading

Omit the heading. Insert instead—

Division 3 Outdoor public gatherings

[9] Clause 23, heading

Omit “gatherings of more than 10 persons”. Insert instead “**outdoor public gatherings**”.

[10] Clause 23 Direction of Minister concerning gatherings of more than 10 persons

Omit “10 persons” from clause 23(1). Insert instead “2 persons”.

[11] Clause 23(3)(d)

Omit the paragraph.

[12] Clause 24 Directions of Minister concerning closure of certain premises

Omit “100 persons” wherever occurring in clause 24(1)(a)(iv), (b)(v), (c)(ii), (f)(iii) and (g)(ii).

Insert instead “10 persons”.

[13] Schedule 1 Reasonable excuses

Omit item 1. Insert instead—

1 Obtaining food or other goods or services if—

- (a) the food, goods or services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
- (b) unless it is not reasonably practicable, no member of the person's household, including the person, has already left the place of residence or temporary accommodation on that day to obtain food or other goods and services.

Example. A person would be permitted to be accompanied by a dependant if it were not reasonably practicable for the dependant to remain at home.

Note. Browsing in a shop is not authorised by this clause.

[14] Schedule 1, item 5

Omit the item. Insert instead—

5 Undertaking exercise or outdoor recreation if—

- (a) the exercise or recreation is undertaken at a place—
 - (i) within the local government area in which the person resides or the person's temporary accommodation is located, or
 - (ii) no further than 10 kilometres from the person's place of residence or temporary accommodation, if the place is within another local government area, and

- (b) for a person travelling in a private vehicle to or from the place—no other person is in the vehicle, other than a member of the person’s household, and
- (c) for a person who is at least 18 years of age, the person—
 - (i) carries evidence showing the address of the person’s place of residence or temporary accommodation, and
 - (ii) produces the evidence for inspection if requested to do so by a police officer.

[15] Schedule 1, item 7

Omit the item. Insert instead—

- 7** Attending a gathering for a funeral or memorial service, or a gathering following a funeral or memorial service, if—
 - (a) there are no more than 10 persons at the gathering, including the person conducting the service, and
 - (b) for a gathering outside Greater Sydney—the person is the spouse, de facto partner, parent, child or sibling of the deceased person.