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New South Wales

Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment (No 15) Order 2021

under the

Public Health Act 2010

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

Dated 27 July 2021 at 1pm.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The object of this Order is to make miscellaneous minor amendments to the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment (No 15) 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 15) Order 2021*.

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

[1] Clause 3

Omit the clause. Insert instead—

3 Interpretation

- (1) The Dictionary in Schedule 4 defines words used in this Order.
Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.
- (2) A reference to a type of premises in this Order has the same meaning as it has in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.
- (3) For the purposes of this Order, the coastal waters of the State are taken to form part of the local government area to which the particular waters are closest.
- (4) Notes included in this Order do not form part of this Order.

[2] Clause 17 Directions to wear fitted face coverings

Insert after clause 17(3)(k)—

- (k1) the person is working at a school that is not in Greater Sydney or an affected region,

[3] Clauses 20(4), 21(3), 24H(4) and 24I(3)

Omit the subclauses.

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

Omit clause 21(2)(c). Insert instead—

- (c) attending a small funeral or memorial service.

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

Omit clause 24(1)(a)(iv). Insert instead—

- (iv) a small funeral or memorial service,

[6] Clause 24(1)(b)(v)

Omit the subparagraph. Insert instead—

- (v) a small funeral or memorial service,

[7] Clause 24(1)(c)

Omit the paragraph. Insert instead—

- (c) entertainment facilities, except for a small funeral or memorial service,

[8] Clause 24(1)(f)(iii)

Omit the subparagraph. Insert instead—

- (iii) a small funeral or memorial service,

[9] Clause 24(1)(g)(ii)

Omit the subparagraph. Insert instead—

(ii) a small funeral or memorial service,

[10] Clause 24K Direction of Minister concerning outdoor public gatherings

Omit clause 24K(3)(f) and (g). Insert instead—

(f) a gathering for a small funeral or memorial service.

[11] Clause 24L Directions of Minister concerning closure of certain premises

Omit clause 24L(1)(a)(iii) and (iv). Insert instead—

(iii) a small funeral or memorial service,

[12] Clause 24L(1)(b)(iv)

Omit clause 24L(1)(b)(iv) and (v). Insert instead—

(iv) a small funeral or memorial service,

[13] Clause 24L(1)(c)

Omit the paragraph. Insert instead—

(c) entertainment facilities, except for a small funeral or memorial service,

[14] Clause 24L(1)(f)(ii)

Omit clause 24L(1)(f)(ii) and (iii). Insert instead—

(ii) a small funeral or memorial service,

[15] Clause 24L(1)(g)(ii)

Omit clause 24L(1)(g)(ii) and (iii). Insert instead—

(ii) a small funeral or memorial service,

[16] Schedule 1, heading

Insert “—Greater Sydney” after “excuses”.

[17] Schedule 1, item 7

Omit the item. Insert instead—

7 Attending a small funeral or memorial service—

(a) in Greater Sydney, or

(b) outside Greater Sydney if the person is the spouse, de facto partner, parent, child or sibling of the deceased person.

[18] Schedule 3 Reasonable excuses—affected region

Omit item 7. Insert instead—

7 Attending a small funeral or memorial service.

[19] Schedule 3, item 17

Omit the item.

[20] Schedule 4

Insert after Schedule 3—

Schedule 4 Dictionary

clause 3

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

affected person—

- (a) for Part 4—see clause 19, and
- (b) for Part 4B—see clause 24G.

affected region, for clause 17 and Part 4B—see clause 24G.

affected worker—see clause 24B.

construction site means a place at which work, including related excavation, is being carried out to erect, demolish, extend or alter a building or structure, or at which civil works are being carried out, but not work carried out in relation to a dwelling in which a person is residing.

controlled outdoor public gathering has the same meaning as in the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021*.

correctional centre has the same meaning as in the *Crimes (Administration of Sentences) Act 1999*, and includes a detention centre within the meaning of the *Children (Detention Centres) Act 1987*.

COVID-19 safe outdoor public gathering has the same meaning as in the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021*.

exempted gathering means a gathering referred to in Schedule 2.

fitted face covering means a mask or other covering that—

- (a) fits securely around the face, and
- (b) is designed or made to be worn over the nose and mouth to provide the wearer with protection against infection.

Greater Sydney means—

- (a) the Greater Sydney Region within the meaning of the *Greater Sydney Commission Act 2015*, and
- (b) the local government areas of the Central Coast, the City of Shellharbour and the City of Wollongong.

Greater Sydney worker—see clause 24C.

hospitality venue means the following—

- (a) casinos,
- (b) food and drink premises,
- (c) micro-breweries, small distilleries holding a drink on-premises authorisation under the *Liquor Act 2007* and cellar door premises,
- (d) pubs,
- (e) registered clubs,
- (f) small bars.

household means persons living together in the same place of residence.

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.

natural swimming pool means a swimming pool that only contains untreated water that is supplied directly to the pool from the ocean or other natural water source and that does not have a circulation system.

nightclub means premises that are the 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.

non-residential premises means premises other than a place of residence.

occupier of premises includes the operator of a vehicle or vessel.

parent, in relation to a child, includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child.

party bus means a vehicle being used on a commercial basis for the purposes of a party, whether or not the party takes place during transportation between locations.

place of residence includes the premises where a person lives and a garden, yard, passage, stairs, garage, outhouse or other area or thing attached to, or used in connection with, the premises.

public gathering means a meeting or assembly of persons for a common purpose, including an organised or planned event, in a public place, whether ticketed or not.

public place has the same meaning as in the *Summary Offences Act 1988*.

public transport service includes a taxi service, rideshare service, passenger service and community transport service

residential aged care facility means a facility at which the following services are provided to a person in relation to whom a residential care subsidy or flexible care subsidy is payable under the *Aged Care Act 1997* of the Commonwealth—

- (a) accommodation,
- (b) personal care or nursing care.

sell includes display for sale.

short-term rental means premises to which a short-term rental accommodation arrangement, as defined in the *Fair Trading Act 1987*, section 54A applies.

significant event means—

- (a) a funeral or memorial service, or
- (b) a wedding service, or
- (c) a gathering following a funeral or memorial service or wedding service.

small funeral or memorial service means a funeral or memorial service, including a gathering following a funeral or memorial service, at which there are no more than 10 persons, excluding the person conducting the service and any other person necessary for the conduct and preparation of the service,

temporary accommodation includes hotel or motel accommodation or a short-term holiday rental.

the Act means the *Public Health Act 2010*.

work includes—

- (a) work done as a volunteer or for a charitable organisation, and
- (b) in addition for Part 4—attending university or other tertiary education.

Note— Clause 3(2) of this Order provides that a reference to a type of premises in this Order has the same meaning as it has in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*. The standard instrument includes the following definitions of certain premises—

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing—

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

business premises means a building or place at or on which—

(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or

(b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

cellar door premises means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

Note— Cellar door premises are a type of *retail premises*.

early education and care facility means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care.

educational establishment means a building or place used for education (including teaching), being—

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

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

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note— Food and drink premises are a type of *retail premises*.

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

Note— Garden centres are a type of *retail premises*.

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note— Hardware and building supplies are a type of *retail premises*.

hotel or motel accommodation means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note— Kiosks are a type of **retail premises**.

landscaping material supplies means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

Note— Landscaping material supplies are a type of **retail premises**.

market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Note— Markets are a type of **retail premises**.

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include neighbourhood supermarkets or restricted premises.

Note— Neighbourhood shops are a type of **shop**.

neighbourhood supermarket means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

Note— Neighbourhood supermarkets are a type of **shop**.

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

plant nursery means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note— Plant nurseries are a type of **retail premises**.

pub means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note— Pubs are a type of **food and drink premises**.

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.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

registered club means a club that holds a club licence under the *Liquor Act 2007*.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note— Restaurants or cafes are a type of **food and drink premises**.

retail premises means a building or place 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), and includes any of the following—

- (a) cellar door premises,

- (b) food and drink premises,
- (c) garden centres,
- (d) hardware and building supplies,
- (e) kiosks,
- (f) landscaping material supplies,
- (g) markets,
- (h) plant nurseries,
- (i) roadside stalls,
- (j) rural supplies,
- (k) shops,
- (l) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

Note— Rural supplies are a type of **retail premises**.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

Note— Schools are a type of **educational establishment**.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

Note— Shops are a type of **retail premises**.

small bar means a small bar within the meaning of the *Liquor Act 2007*.

Note— Small bars are a type of **food and drink premises**.

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note— Take away food and drink premises are a type of **food and drink premises**.

timber yard means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

Note— Timber yards are a type of **retail premises**.

vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note 1— Vehicle sales or hire premises are a type of **retail premises**.

Note 2— Clause 24(1A) allows vehicle hire premises to be open but vehicle sales premises must be closed.