



# *Government Gazette*

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New South Wales

# Public Health (COVID-19 Restrictions on Gathering and Movement) (No 3) Amendment Order 2020

under the

Public Health Act 2010

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

Dated 12 June 2020.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## Explanatory note

The object of this Order is to amend the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 3) 2020* to ease certain restrictions imposed by the Order.

This Order is made under section 7 of the *Public Health Act 2010*.

## **Public Health (COVID-19 Restrictions on Gathering and Movement) (No 3) Amendment Order 2020**

under the

Public Health Act 2010

### **1 Name of Order**

This Order is the *Public Health (COVID-19 Restrictions on Gathering and Movement) (No 3) Amendment Order 2020*.

### **2 Commencement**

This Order commences on 13 June 2020.

**Note.** This Order commences at the beginning of 13 June 2020. See section 24 of the *Interpretation Act 1987*.

## **Schedule 1      Amendment of Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 3) 2020**

**[1]    Clause 3 Definitions**

Insert in alphabetic order in the note to clause 3(2) —

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

**[2]    Clause 5 Directions of Minister concerning restricted use of certain premises**

Omit clause 5(1)(b).

**[3]    Clause 5(1), note**

Insert at the end of the subclause—

**Note.** Compliance is the responsibility of the occupier or operator of the premises.

**[4]    Clause 5(2)**

Omit the subclause.

**[5]    Clause 6**

Omit the clause. Insert instead—

**6    Direction of Minister allowing use of premises for specific purposes**

(1) Nothing in this Part or Schedule 1 applies to prevent the use of premises or to restrict the number of persons permitted on premises where those premises are being used—

(a) 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, or

(b) as an early education and care facility.

(2) Nothing in this Part or Schedule 1 applies to prevent the use of premises for counselling and support group services.

**[6]    Clause 7 Direction of Minister about persons allowed on residential premises**

Omit “5” wherever occurring in clause 7(1)(a) and (b). Insert instead “20”.

**[7]    Clause 8 Direction of Minister about number of persons allowed on other premises**

Omit “10 persons” from the note to clause 8(1). Insert instead “20 persons”.

**[8]    Clause 10 Directions of Minister about public gatherings**

Omit “10” from clause 10(1). Insert instead “20”.

**[9]    Clause 10(3)(a) and (a1)**

Omit clause 10(3)(a). Insert instead—

(a) premises referred to in Schedule 1,

(a1) a gathering referred to in Schedule 2,

**[10]    Clause 10(3)(c)**

Omit the paragraph. Insert instead—

(c) a gathering referred to in clause 11,

**[11] Clause 11 Directions of Minister about gatherings for weddings, funerals, memorial services and religious services**

Insert “, subject to compliance with subclause (2A),” after “The Minister directs that” in clause 11(1).

**[12] Clause 11(2)(b)**

Omit the paragraph. Insert instead—

- (b) the relevant person for the service or gathering must record the name and contact details, including the telephone number or email address, of each person at the service or gathering.

**[13] Clause 11(2A)**

Insert—

- (2A) The Minister directs that the relevant person for a wedding, funeral, memorial or religious service, or a gathering immediately after a wedding, funeral, memorial or religious service, where that service or gathering is held anywhere other than a place of residence, must ensure that there is at least 4 square metres of space for each person at the service or gathering.

**[14] Clause 11(2B)**

Insert—

- (2B) A service or gathering specified in this clause held on premises as set out in Schedule 1—
  - (a) must comply with any limit imposed by column 2 of Schedule 1 on the number of people permitted on the premises, and
  - (b) need not comply with any restriction on the number of people permitted on the premises by column 3 of Schedule 1.

**[15] Schedule 1 Restricted premises**

Insert “1” after “Note” in the note to the Schedule.

**[16] Schedule 1, notes 2, 3 and 4**

Insert after Note 1 (as inserted by item [15])—

**Note 2.** Where a premises has more than 1 use the premises’ type is determined by the predominant use of those premises.

**Note 3.** Nothing in this Schedule prevents or limits the use of premises for a purpose in clause 6.

**Note 4.** For weddings, funerals, memorial services, religious services and gatherings immediately after those events refer to clause 11.

**[17] Schedule 1, item 1**

Insert “N/A” in column 2.

**[18] Schedule 1, item 3**

Omit the item. Insert instead—

3. Business premises that are used for auction houses, other than clearing houses	No more than the total number of persons calculated by allowing 4 square metres of space for each person (including staff members) on the premises	Must have a COVID-19 safety plan
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**[19] Schedule 1, item 4**

Omit “10” from paragraph (a) in column 2. Insert instead “20”.

**[20] Schedule 1, item 6**

Omit the item. Insert instead—

6. Casinos	For the purposes of accessing goods or services (other than accommodation services) the lesser of the following number of customers—	(a)	no person may be on the premises as part of an individual group of more than 20 persons unless those persons are engaging in work on the premises
	(a) 50 customers per existing separate seated food or drink area, or	(b)	a person entering the premises must provide the person’s name and contact details, including a telephone number or email address, to the occupier or operator of the premises
	(b) the total number of customers calculated by allowing 4 square metres of space for each customer (excluding staff members) on the premises	(c)	the occupier or operator of the premises must record the names and contact details, including telephone numbers or email addresses, of all persons entering the premises
		(d)	must have a COVID-19 safety plan

**[21] Schedule 1, item 7**

Omit the item. Insert instead—

7. Community centres	No more than the total number of persons calculated by allowing 4 square metres of space for each person (including staff members) on the premises	(a)	any class or organised event provided at the centre must have not more than 20 persons participating (not including persons conducting or assisting in the conduct of the class or event or parents, guardians and carers of persons participating)
		(b)	must have a COVID-19 safety plan

**[22] Schedule 1, item 9**

Omit the item. Insert instead—

9. Entertainment facilities	N/A		Premises must not be open to members of the public except to allow members of the public to access food and drink premises within the entertainment facility in which case the limitations and restrictions applying to food and drink premises in item 10 apply
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**[23] Schedule 1, item 10**

Omit the item. Insert instead—

10. Food and drink premises, including premises that are within other premises, excluding premises referred to in items 6, 15, 16 and 22	The number of customers that may consume food or drink on the premises is the lesser of— (a) 50 customers per existing separate seated food or drink area, or (b) the total number of customers calculated by allowing 4 square metres of space for each customer (excluding staff members) on the premises	(a) no person may be on the premises as part of an individual group of more than 20 persons unless those persons are engaging in work on the premises (b) a person consuming food or drink on the premises must provide the person's name and contact details, including a telephone number or email address, to the occupier or operator of the premises (c) the occupier or operator of the premises must record the names and contact details, including telephone numbers or email addresses, of all persons consuming food or drink on the premises (d) must have a COVID-19 safety plan
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**[24] Schedule 1, item 11**

Omit the item. Insert instead—

11. Food courts	The number of customers that may consume food or drink on the premises is the lesser of— (a) 50 customers per existing separate seated food or drink area, or (b) the total number of persons calculated by allowing 4 square metres of space for each person (excluding staff members) on the premises	Must have a COVID-19 safety plan
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**[25] Schedule 1, item 12**

Omit "10" from column 2. Insert instead "20".

**[26] Schedule 1, item 12**

Insert "N/A" in column 3.

**[27] Schedule 1, item 14**

Omit the item. Insert instead—

14. Markets that do not predominantly sell food	No more than the total number of persons calculated by allowing 4 square metres of space for each person on the premises	Must have a COVID-19 safety plan
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**[28] Schedule 1, item 14A**

Insert in appropriate order—

14A. Markets that predominantly sell food	N/A	Must have a COVID-19 safety plan
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**[29] Schedule 1, item 15**

Omit the item. Insert instead—

15. Micro-breweries, small distilleries holding a drink on-premises authorisation under the <i>Liquor Act 2007</i> or cellar door premises	The number of customers that may consume food or drink on the premises is the lesser of—	(a)	no person may be on the premises as part of an individual group of more than 20 persons unless those persons are engaging in work on the premises
	(a) 50 customers per existing separate seated food or drink area, or	(b)	a person consuming food or drink on the premises must provide the person's name and contact details, including a telephone number or email address, to the occupier or operator of the premises
	(b) the total number of customers calculated by allowing 4 square metres of space for each customer (excluding staff members) on the premises	(c)	the occupier or operator of the premises must record the names and contact details, including telephone numbers or email addresses, of all persons consuming food or drink on the premises
		(d)	must have a COVID-19 safety plan

**[30] Schedule 1, item 16**

Omit the item. Insert instead—

16. Business premises that are used for nail salons, beauty salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours	The lesser of—	Must have a COVID-19 safety plan
	(a) 20 customers (excluding staff members), or	
	(b) the total number of persons calculated by allowing 4 square metres of space for each person (including staff members) on the premises	



**[31] Schedule 1, item 18**

Omit the item. Insert instead—

18. Places of public worship	The lesser of—	(a)	any class or organised event must have not more than 20 persons participating (not including persons conducting or assisting in the conduct of the class or event or parents, guardians and carers of persons participating)
	(a) the total number of persons calculated by allowing 4 square metres of space for each person on the premises, or		
	(b) for a gathering for private worship—50 persons	(b)	must have a COVID-19 safety plan

**[32] Schedule 1, item 20**

Omit the item. Insert instead—

20. Public indoor swimming pools	No more than the total number of persons calculated by allowing 4 square metres of space for each person (including staff members) on the premises	Must have a COVID-19 safety plan
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**[33] Schedule 1, item 21**

Omit the item. Insert instead—

21. Public outdoor swimming pools	No more than the total number of persons calculated by allowing 4 square metres of space for each person (including staff members) on the premises	Must have a COVID-19 safety plan
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**[34] Schedule 1, item 22**

Omit the item. Insert instead—

22. Pubs, small bars and registered clubs (including premises occupied by a racing club within the meaning of the *Liquor Act 2007*)
- For the purposes of accessing goods or services, other than accommodation services, the lesser of the following number of customers—
- (a) 50 customers per existing separate seated food or drink area,
- (b) the total number of customers calculated by allowing 4 square metres of space for each customer (excluding staff members) on the premises
- Any persons on a bowling green on the premises are not to be counted in the total number of persons on the premises, provided no more than 20 persons are on the green at any one time.
- (a) no person may be on the premises as part of an individual group of more than 20 persons unless those persons are engaging in work on the premises
- (b) a person entering the premises, other than to collect takeaway goods, must provide the person's name and contact details, including a telephone number or email address, to the occupier or operator of the premises
- (c) the occupier or operator of the premises must record the names and contact details, including telephone numbers or email addresses, of all persons entering the premises, other than persons entering to collect takeaway goods
- (d) must have a COVID-19 safety plan

**[35] Schedule 1, item 23**

Omit the item. Insert instead—

23. Recreation facilities (indoor) other than public indoor swimming pools
- The total number of persons calculated by allowing 4 square metres of space for each person on the premises
- (a) any class or organised event provided at the facility must have not more than 20 persons participating (not including persons conducting or assisting in the conduct of the class or event or parents, guardians and carers of persons participating)
- (b) must have a COVID-19 safety plan

**[36] Schedule 1, item 24**

Omit the item. Insert instead—

24. Recreation facilities (major) (other than premises occupied by a racing club within the meaning of the <i>Liquor Act 2007</i> )	The lesser of the following—	(a) food and drink premises within the facility are subject to the limitations and restrictions applying to food and drink premises in item 10 of this Schedule
	(a) 20 persons (excluding persons engaged in work, persons in food and drink premises within the facility and persons accessing food and drink premises within the facility), or	(b) must have a COVID-19 safety plan
	(b) the total number of persons calculated by allowing 4 square metres of space for each person on the premises (excluding persons engaged in work, persons in food and drink premises within the facility and persons accessing food and drink premises within the facility)	

**[37] Schedule 1, item 25**  
 Insert “N/A” in column 3.

**[38] Schedule 1, item 26**  
 Insert “N/A” in column 2.

**[39] Schedule 1, item 27**  
 Omit the item.

**[40] Schedule 1, item 28**  
 Insert “N/A” in column 2.

**[41] Schedule 1, item 30**  
 Insert after item 29—

30. Vessels used for commercial scuba diving and snorkelling tours or for commercial whale, dolphin or marine animal watching tours	Must have no more than 50 customers plus crew members	Must have a COVID-19 safety plan
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**[42] Schedule 1, item 31**  
 Insert at the end of the Schedule—

31. Vessels used for hosting functions or for commercial tours (other than tours specified in item 30)	The lesser of— (a) 50 customers plus crew members, or (b) the total number of persons calculated by allowing 4 square metres of space for each person (including crew members) on the vessel	Must have a COVID-19 safety plan
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**[43] Schedule 2, item 10**

Insert “(excluding vessels providing tours or hosting functions)” after “a commercial vessel”.

Reference number:(n2020-1774)