



New South Wales

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 5) Amendment Order 2020

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 15th October 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 5) 2020*—

- (a) to remove the limitation restricting the definition of *corporate event* to events held on premises that are function centres, and
- (b) to make further provision concerning the maximum number of persons allowed in hospitality venues, and
- (c) to allow music rehearsals or performances in outdoor public places of more than 20 persons if a COVID-19 Safety Plan has been developed and complied with, and
- (d) to clarify the application of the Ministerial direction concerning music festivals, and
- (e) to update references to COVID-19 safety checklists.

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 5) 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) Order (No 5) Amendment Order 2020*.

2 Commencement

This Order commences at the beginning of 16 October 2020.

Schedule 1 Amendment of Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 5) 2020

[1] Clause 3 Definitions

Omit the definition of *corporate event* from clause 3(1). Insert in alphabetical order—

corporate event means an event or hospitality or social activity organised, held or funded by a business or other organisation for staff, clients or stakeholders, but does not include a gathering referred to in Schedule 2.

hospitality venue with electronic entry recording means a hospitality venue for which—

- (a) contacts details of persons entering, or engaging in activities in, the venue are required to be provided or collected by or under this Order, and
- (b) a system is used for electronically registering the contact details with Service NSW or the occupier of the venue by means of a mobile phone or other device.

[2] Clause 9

Omit the clause. Insert instead—

9 Directions of Minister about hospitality venues

- (1) The Minister directs that the occupier of a hospitality venue with electronic entry recording must ensure that—
 - (a) for a hospitality venue consisting of 2 or more separate areas, the maximum number of persons in each of the areas is the lesser of—
 - (i) the permissible number of persons for the separate area calculated as provided by subclause (2), or
 - (ii) 300 persons, and
 - (b) for a hospitality venue not consisting of 2 or more separate areas, the maximum number of persons on the premises is the lesser of—
 - (i) the permissible number of persons for the premises calculated as provided by subclause (3), or
 - (ii) 300 persons.
- (2) For subclause (1)(a), the permissible number of persons for a separate area is the number of persons equivalent to—
 - (a) for any part of the area that is an outdoor area—1 person per 2 square metres of space in the outdoor area, and
 - (b) for any part of the area that is an indoor area—1 person per 4 square metres of space in the indoor area.
- (3) For subclause (1)(b), the permissible number of persons for the premises is the number of persons equivalent to—
 - (a) for any part of the premises that is an outdoor area—1 person per 2 square metres of space in the outdoor area, and
 - (b) for any part of the premises that is an indoor area—1 person per 4 square metres of space in the indoor area.
- (4) The Minister directs that the occupier of a hospitality venue without electronic entry recording must ensure that—

- (a) for a hospitality venue consisting of 2 or more separate areas, the maximum number of persons in each of the areas is the lesser of—
 - (i) the number of persons equivalent to 1 person per 4 square metres of space in the separate area, or
 - (ii) 300 persons, and
 - (b) for a hospitality venue not consisting of 2 or more separate areas, the maximum number of persons on the premises is the lesser of—
 - (i) the number of persons equivalent to 1 person per 4 square metres of space in the premises, or
 - (ii) 300 persons.
- (5) The Minister directs that the occupier of a hospitality venue must ensure that—
- (a) for a significant event on the premises—a booking for the event does not consist of more persons than the maximum number permitted under clause 17 to attend the event, and
 - (b) otherwise—
 - (i) an individual booking or reservation for a group entering or on the premises does not consist of more than 10 persons, and
 - (ii) no individual group entering or on the premises consists of more than 10 persons, and
 - (c) as far as practicable, persons on the premises remain seated, and
 - (d) there is a COVID-19 Safety Hygiene Marshal—
 - (i) for premises that do not have separate areas—on the premises if there are more than 250 persons on the premises, or
 - (ii) for premises that have separate areas—in a separate area on the premises if there are more than 250 persons in the area.
- (6) Subclause (5)(c) does not apply in relation to persons who—
- (a) are playing a game, such as pool or darts, that requires them to stand, and
 - (b) are not drinking alcohol.
- (7) In this clause—
- 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.
- outdoor area*** means an area that is not an indoor area.

[3] Clause 17 Restrictions on certain activities

Insert after clause 17(5)—

- (5A) If a significant event mentioned in subclauses (2)–(5) is held in a hospitality venue with electronic entry recording, a reference in each of the subclauses to 1 person per 4 square metres of space in the premises is to be read as—
 - (a) for a hospitality venue consisting of 2 or more separate areas—the permissible number of persons for each separate area calculated as provided by clause 9(2), and
 - (b) for a hospitality venue not consisting of 2 or more separate areas—the permissible number of persons for the premises calculated as provided by clause 9(3).

[4] Part 2, Division 4A

Insert after Division 4—

Division 4A Outdoor music rehearsals or performances

21A Definitions

In this Division—

organiser of an outdoor music rehearsal or performance means the person principally responsible for organising the rehearsal or performance.

outdoor music rehearsal or performance means a rehearsal or performance of music by one or more persons that is conducted in an outdoor public place.

participant, in relation to an outdoor music rehearsal or performance, includes—

- (a) a person engaged in the rehearsal or performance, and
- (b) a spectator of the rehearsal or performance.

21B Direction of Minister requiring COVID-19 Safety Plan

The Minister directs that the organiser of an outdoor music rehearsal or performance that involves more than 20 participants must—

- (a) develop and comply with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist, and
- (b) keep a copy of the COVID-19 Safety Plan and make it available for inspection by an authorised officer or a police officer as requested.

21C Direction of Minister concerning maximum number of participants

The Minister directs that the organiser of an outdoor music rehearsal or performance must ensure that a gathering for the rehearsal or performance involves no more than 500 participants.

[5] Clause 22 Direction of Minister concerning outdoor public gatherings

Insert after clause 22(3)(b)—

- (b1) an outdoor music rehearsal or performance for which a person is required by clause 21B of this Order to develop and keep a COVID-19 Safety Plan,

[6] Clause 22(3)(d1)

Insert after clause 22(3)(d)—

- (d1) a gathering for a corporate event,

[7] Clause 25 Direction of Minister concerning music festivals

Omit “fewer than 2,000 people”.

Insert instead “more than 500, but less than 2,000, persons”.

[8] Schedule 1 Premises requiring COVID-19 Safety Plan

Omit “21 September 2020” wherever occurring in Column 4 of items 7, 14, 15, 16, 23 and 29.

Insert instead “15 October 2020”.

[9] Schedule 1, items 8 and 31

Omit “11 September 2020” wherever occurring in Column 4.

Insert instead “15 October 2020”.

[10] Schedule 1, item 10

Omit the item. Insert instead—

10	Corporate events	Functions and corporate events	15 October 2020
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[11] Schedule 1, items 20 and 26

Omit “23 July 2020” wherever occurring in Column 4.

Insert instead “15 October 2020”.

[12] Schedule 1, item 23A

Insert after item 23—

23A	Outdoor music rehearsals or performances	Outdoor gatherings for music rehearsal and performance	8 October 2020
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