



New South Wales

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 7) Amendment Order (No 2) 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 20 December 2020.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

This Order amends the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 7) 2020* as follows—

- (a) to impose stricter requirements for the number of persons able to attend premises in, and other things taking place in, Greater Sydney to the extent that they are, or take place in, indoor areas,
- (b) to temporarily impose stricter requirements on the number of persons permitted at residential premises, holiday houses and short-term rentals in Greater Sydney,
- (c) to omit a direction of the Minister relating to dance floors,
- (d) to impose new requirements on hospitality venues, places of public worship and religious services in Greater Sydney.

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 7) Amendment Order (No 2) 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 7) Amendment Order (No 2) 2020*.

2 Commencement

This Order commences at the beginning of 21 December 2020.

Schedule 1 Amendment of Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 7) 2020

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3(1)—

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 and Wollongong.

Note. This comprises the following local government areas—Bayside, Blacktown, Blue Mountains, Burwood, Camden, Campbelltown, Canada Bay, Canterbury-Bankstown, Central Coast, Cumberland, Fairfield, Georges River, Hawkesbury, Hornsby, Hunter's Hill, Inner West, Ku-ring-gai, Lane Cove, Liverpool, Mosman, North Sydney, Northern Beaches, Parramatta, Penrith, Randwick, Ryde, Strathfield, Sutherland Shire, Sydney, The Hills Shire, Waverley, Willoughby, Wollondilly, Wollongong and Woollahra.

[2] Clause 6

Insert after clause 5—

6 2 square metre rule not to apply in Greater Sydney to indoor areas

Despite any other provision of this Order, a reference in this Order to 1 person per 2 square metres of space is taken to be a reference to 1 person per 4 square metres of space but only to the extent that the reference relates to—

- (a) premises or parts of premises in Greater Sydney that are indoor areas, or
- (b) anything taking place in Greater Sydney in an indoor area.

[3] Clause 8 Direction of Minister requiring COVID-19 Safe business registration

Insert after clause 8(d)—

Note. See clause 35A for additional requirements for hospitality venues in Greater Sydney.

[4] Clause 8(f), note

Insert after clause 8(f)—

Note. See clause 35B for additional requirements for places of public worship in Greater Sydney.

[5] Clause 9 Direction of Minister about number of persons allowed on premises

Omit clause 9(1). Insert instead—

- (1) The Minister directs that an occupier of premises must not allow more persons on the premises than the greater of—
 - (a) the number of persons that is equivalent to 1 person per 2 square metres of space in the premises, or
 - (b) 25 persons.

[6] Clause 11 Direction of Minister about hospitality venues

Insert “outside Greater Sydney” after “hospitality venue”.

[7] Clause 11, note

Insert at the end of the clause—

Note. See clause 35A for hospitality venues in Greater Sydney.

[8] Clause 15 Directions of Minister about number of persons allowed on residential premises

Insert after clause 15(4)—

- (5) From the beginning of 21 December 2020 until the end of 23 December 2020 for premises in Greater Sydney, the reference in subclauses (1) and (2) to 50 visitors is taken to be a reference to 10 visitors.

[9] Clause 31 Direction of Minister about holiday homes and short-term rentals

Insert at the end of the clause—

- (2) From the beginning of 21 December 2020 until the end of 23 December 2020 for premises in Greater Sydney, the reference in subclause (1) to 50 persons is taken to be a reference to 10 persons.
- (3) Subclause (2) does not prevent persons who are staying in premises at the beginning of 21 December 2020 from continuing to stay in the premises.

[10] Clause 32 Directions of Minister about dance floors

Omit the clause.

[11] Clause 34 Direction of Minister about religious services held on premises other than place of public worship

Insert at the end of the clause—

Note. See clause 35B for additional requirements for religious services in Greater Sydney.

[12] Part 2, Division 10

Insert after Part 2, Division 9—

Division 10 Special provisions for Greater Sydney

35A Directions of Minister about hospitality venues in Greater Sydney

- (1) The Minister directs that the occupier of a hospitality venue in Greater Sydney must ensure that—
- (a) for a hospitality venue that consists of more than 1 separate area, the maximum number of persons in each of the areas is the lesser of—
- (i) the number of persons that is equivalent to 1 person per 4 square metres of space in the area, or
- (ii) 300 persons, and
- (b) otherwise, the maximum number of persons on the premises is the lesser of—
- (i) the number of persons that is equivalent to 1 person per 4 square metres of space in the premises, or
- (ii) 300 persons.
- (2) The Minister directs that the occupier of a hospitality venue in Greater Sydney must ensure that there is a COVID-19 Safety Hygiene Marshal—
- (a) for premises that do not have separate areas—on the premises if there are more than 250 persons on the premises, or
- (b) for premises that have separate areas—in each separate area on the premises if there are more than 250 persons in the area.

- (3) In this clause—
separate area means an area that—
- (a) is separate from other areas on the premises, and
 - (b) has been designated as a separate area by the occupier of the premises, and
 - (c) if food and drink services are being provided in the area—has staff that are providing food and drink service only in that area, and
 - (d) does not allow persons gathering in different areas to mingle.

35B Directions of Minister about places of public worship and religious services in Greater Sydney

- (1) The Minister directs that the occupier of a place of public worship in Greater Sydney must ensure—
- (a) for a place of public worship with more than 1 separate area, the maximum number of persons in each of the areas is the lesser of—
 - (i) the number of persons that is equivalent to 1 person per 4 square metres of space in the area, or
 - (ii) 300 persons, and
 - (b) otherwise, the maximum number of persons on the premises is the lesser of—
 - (i) the number of persons that is equivalent to 1 person per 4 square metres of space on the premises, or
 - (ii) 300 persons.
- (2) The Minister directs that the occupier of a place of public worship in Greater Sydney comprised of more than 1 separate area must ensure that a religious service, activity or event conducted in 1 separate area does not commence or end at the same time as another religious service, activity or event in another separate area in the place.
- (3) The Minister directs that a person must not organise, conduct or participate in a religious service in an indoor area in Greater Sydney, other than at a place of public worship, if the number of persons to attend or attending the service is more than the lesser of—
- (a) the number of persons that is equivalent to 1 person per 4 square metres of space in the area, or
 - (b) 300 persons.
- (4) In this clause—
separate area, for a place of public worship, means a building that—
- (a) is separate from other buildings on the premises, and
 - (b) has been designated as a separate building by the occupier of the premises, and
 - (c) is staffed by persons officiating or volunteers or other staff who provide services in that building only, and
 - (d) does not allow persons gathering in different buildings to mingle.