



New South Wales

# Public Health (COVID-19 Sydney New Year's Eve Arrangements) 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 5 December 2020.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## Explanatory note

The object of this Order is to impose certain restrictions concerning gatherings for the purposes of the celebration of 2020 New Year's Eve in Sydney.

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## Public Health (COVID-19 Sydney New Year's Eve Arrangements) Order 2020

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### Part 1 Preliminary

#### 1 Name of Order

This Order is the *Public Health (COVID-19 Sydney New Year's Eve Arrangements) Order 2020*.

#### 2 Commencement

This Order commences at the beginning of 7 December 2020.

#### 3 Interpretation

(1) In this Order—

**authorised to enter a public place** within the restricted zone—see clause 5.

**declared zone** means the area indicated on the NYE Sydney Map as being within the declared zone.

**entry pass** means a permit issued by Service NSW for the purposes of this Order, whether issued in paper or electronic form.

**event** includes a function.

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

**NYE period** means the period—

(a) commencing at 5 pm on 31 December 2020, and

(b) ending at 5 am on 1 January 2021.

**NYE Sydney Map** means the Public Health (COVID-19 Sydney New Year's Eve Arrangements) Map (No 1) 2020 approved by the Minister on the making of this Order.

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

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

**registered NYE event** means an event held wholly or partly within the restricted zone that has been registered with Service NSW for the purposes of this Order.

**resident** of the restricted zone includes a person who is staying at a hotel or rented premises within the zone.

**restricted zone** means the area indicated on the NYE Sydney Map as being within the restricted zone.

**the Act** means the *Public Health Act 2010*.

**work** includes work done as a volunteer or for a charitable organisation.

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

- (2) In this Order—
- (a) a reference to the Gathering and Movement Order includes a reference to an order that remakes, replaces or consolidates, whether in whole or in part, the Gathering and Movement Order, and
  - (b) a reference to a provision of the Gathering and Movement Order includes a reference to a provision of an order mentioned in paragraph (a) that corresponds, or substantially corresponds, to the provision of the Gathering and Movement Order.

#### **4 Grounds for concluding that there is a risk to public health**

The basis for concluding that a situation has arisen that is, or is likely to be, a risk to public health is as follows—

- (a) public health authorities both internationally and in Australia have been monitoring and responding to outbreaks of COVID-19, which is a condition caused by the severe acute respiratory syndrome coronavirus 2 (SARS-COV-2),
- (b) COVID-19 is a potentially fatal condition and is highly contagious,
- (c) a number of cases of individuals with COVID-19 have now been confirmed in New South Wales and other Australian jurisdictions, including by means of community transmission, and there is an ongoing risk of continuing introduction of COVID-19 into the New South Wales community.

## Part 2 Restricted and declared zones

### 5 Direction of Minister not to be in public place in restricted zone without entry pass

- (1) The Minister directs that a person must not enter or remain in a public place within the restricted zone during the NYE period unless the person is authorised to enter the public place.
- (2) A person is **authorised to enter a public place** within the restricted zone if—
  - (a) the person belongs to any of the following classes of persons (the **relevant class**)—
    - (i) residents of the restricted zone,
    - (ii) attendees of a registered event within the restricted zone,
    - (iii) persons attending work within the restricted zone,
    - (iv) visitors to a resident's place of residence within the restricted zone, and
  - (b) the person holds a current entry pass for the relevant class.
- (3) A person is also **authorised to enter a public place** within the restricted zone if—
  - (a) the person is a dependant of a person (a **pass holder**) who holds a current entry pass to enter the zone, and
  - (b) the current entry pass notes on it the number of dependent persons who are allowed to accompany the pass holder, and
  - (c) the dependant person is accompanying the pass holder, and
  - (d) the number of dependant persons accompanying the pass holder does not exceed the number of dependants noted on the pass.

### 6 Direction of Minister to leave a public place in restricted zone or declared zone

- (1) The Minister directs that a person within the restricted zone or the declared zone during the NYE period must, if asked to do so by an authorised officer or police officer, leave the zone.
- (2) To avoid doubt, subclause (1) applies to a person who is authorised to enter a public place within the restricted zone or declared zone.
- (3) If the person who is asked to leave is a resident of the restricted zone or the declared zone, it is sufficient compliance with subclause (1) if the person returns to the person's place of residence as soon as is reasonably practicable after being asked to leave.

### 7 Directions of Minister about providing information

- (1) The Minister directs that a person must, if required to do so by an authorised officer or police officer during the NYE period, provide information, including photo identification, to allow a decision to be made about whether the person is authorised to enter or remain in a public place within the restricted zone during the NYE period.
- (2) The Minister also directs that a person who provides information in response to a requirement under this clause must ensure that the information is true and accurate.
- (3) A person provides sufficient information in response to a requirement under this clause about whether the person is authorised to enter a public place within the restricted zone during the NYE period if the person produces—
  - (a) a current entry pass for inspection by the authorised officer or police officer stating that the person is authorised to enter the public place, and
  - (b) for a person attending a registered NYE event if requested by the authorised officer or police officer—the entry ticket for the event issued to the person, and

- (c) if requested by the authorised officer or police officer—photographic identification to verify the person is the holder of the pass.

## **Part 3 Miscellaneous**

### **8 Relationship of Order with Gathering and Movement Order**

- (1) Except as provided by this clause, a person within the restricted zone or declared zone during the NYE period must continue to comply with any directions applicable to the person under the Gathering and Movement Order.
- (2) Clause 30(5) of the Gathering and Movement Order does not apply within the restricted zone or declared zone during the NYE period.

### **9 Exemptions**

- (1) This Order does not prevent the following persons from entering or remaining within the restricted zone or declared zone during the NYE period—
  - (a) a person who is providing law enforcement or emergency services within the zone,
  - (b) a person who is responding in some other way to an emergency within the zone.
- (2) The Minister may, in writing and subject to the conditions that the Minister considers appropriate, grant an exemption to this Order or specified provisions of this Order.

### **10 Repeal of Order**

This Order is repealed at the beginning of 2 January 2021.