



New South Wales

# Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020

under the  
Public Health Act 2010

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

Dated 30 March 2020.

10.20pm

A handwritten signature in blue ink, appearing to read 'Brad Hogg', is written over the date.

Minister for Health and Medical Research

## Explanatory note

The object of this Order is to give certain Ministerial directions to deal with the public health risk of COVID-19 and its possible consequences.

In particular, this Order directs that a person must not, without reasonable excuse, leave the person's place of residence. Examples of a reasonable excuse include leaving for reasons involving—

- (a) obtaining food or other goods and services, or
- (b) travelling for the purposes of work or education if the person cannot do it at home, or
- (c) exercise, or
- (d) medical or caring reasons.

In addition, this Order directs that a person must not participate in a gathering in a public place of more than 2 persons. Exceptions include—

- (a) gatherings of members of the same household, and
- (b) gatherings essential for work or education.

Section 10 of the *Public Health Act 2010* creates an offence if an individual fails to comply with a direction with a maximum penalty of imprisonment for 6 months or a fine of up to \$11,000 (or both) plus a further \$5,500 fine each day the offence continues. Corporations that fail to comply with a direction are liable to a fine of \$55,000 and \$27,500 each day the offence continues.

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## Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020

under the

Public Health Act 2010

### Part 1 Preliminary

#### 1 Name of Order

This Order is the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020*.

#### 2 Commencement

This Order commences at the beginning of 31 March 2020.

**Note.** Section 7(5) of the Act provides that, unless it is earlier revoked, an order under that section expires at the end of 90 days after it was made or on such earlier date as may be specified in the order. Accordingly, this Order will expire at the end of 29 June 2020 unless it is revoked earlier.

#### 3 Definitions

(1) In this Order:

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

*indoor space* means an area, room or other premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of the roof or walls are—

- (a) permanent or temporary, or
- (b) open or closed.

**Note.** The *Public Health Act 2010* defines premises to include any land, temporary structure, vehicle or vessel.

*outdoor space* means a space that is not an indoor space.

*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.

*place of residence* includes the premises where a person lives together with any 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*.

*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) Notes included in this Order do not form part of this Order.

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

It is noted that 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 international outbreaks of COVID-19, also known as Novel Coronavirus 2019,
- (b) COVID-19 is a potentially fatal condition and is also highly contagious,
- (c) a number of cases of individuals with COVID-19 have now been confirmed in New South Wales, as well as other Australian jurisdictions, including by means of community transmission.

## **Part 2 Movement**

### **5 Direction of Minister concerning staying at home**

- (1) The Minister directs that a person must not, without reasonable excuse, leave the person's place of residence.
- (2) For the purposes of subclause (1), a reasonable excuse includes doing an activity specified by Schedule 1.  
**Note.** Examples of a reasonable excuse in Schedule 1 include leave for reasons involving—
  - (a) obtaining food or other goods and services, or
  - (b) travelling for the purposes of work or education if it is not possible to do it at home, or
  - (c) exercise, or
  - (d) medical or caring reasons.
- (3) Subclause (2) does not permit a person to participate in a gathering in contravention of Part 3.
- (4) Taking a holiday in a regional area is not a reasonable excuse.
- (5) Subclause (1) does not apply to a person who is homeless.

### **Part 3 Gatherings of more than 2 persons**

#### **6 Direction of Minister concerning gatherings of more than 2 persons**

- (1) The Minister directs that a person must not participate in a gathering in a public place of more than 2 persons.
- (2) Subclause (1) does not apply to the following—
  - (a) a gathering referred to in Schedule 2,
  - (b) a gathering of persons for the purposes of work,
  - (c) a gathering of persons all of whom are members of the same household,
  - (d) a gathering for a wedding at which there are no more than 5 persons (including the person conducting the service),
  - (e) a gathering for a funeral service at which there are no more than 10 persons (including the person conducting the service),
  - (f) a gathering to facilitate a move to a new place of residence (including a business moving to new premises),
  - (g) a gathering to provide care or assistance to a vulnerable person,
  - (h) a gathering to provide emergency assistance,
  - (i) a gathering necessary for the person to fulfil a legal obligation (including attending a court or tribunal, satisfying bail requirements or participating in legal proceedings).

## **Schedule 1 Reasonable excuses**

- 1 obtaining food or other goods or services for the personal needs of the household or other household purposes (including for pets) and for vulnerable persons
- 2 travelling for the purposes of work if the person cannot work from the person's place of residence
- 3 travelling for the purposes of attending childcare (including picking up or dropping another person at childcare)
- 4 travelling for the purposes of facilitating attendance at a school or other educational institution if the person attending the school or institution cannot learn from the person's place of residence
- 5 exercising
- 6 obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities
- 7 attending a wedding or a funeral in the circumstances referred to in clause 6(2)(d) and (e) or 7(1)(h)
- 8 moving to a new place of residence (including a business moving to new premises) or between different places of residence of the person or inspecting a potential new place of residence
- 9 providing care or assistance (including personal care) to a vulnerable person or providing emergency assistance
- 10 donating blood
- 11 undertaking any legal obligations
- 12 accessing public services (whether provided by Government, a private provider or a non-Government organisation), including—
  - (a) social services, and
  - (b) employment services, and
  - (c) domestic violence services, and
  - (d) mental health services, and
  - (e) services provided to victims (including as victims of crime)
- 13 for children who do not live in the same household as their parents or siblings or one of their parents or siblings—continuing existing arrangements for access to, and contact between, parents and children or siblings
- 14 for a person who is a priest, minister of religion or member of a religious order—going to the person's place of worship or providing pastoral care to another person
- 15 avoiding injury or illness or to escape a risk of harm
- 16 for emergencies or compassionate reasons

## **Schedule 2 Essential gatherings**

- 1 a gathering at an airport that is necessary for the normal business of the airport
- 2 a gathering for the purposes of or related to transportation, including in vehicles or at stations, platforms or stops or other public transportation facilities
- 3 a gathering at a hospital or other medical or health service facility that is necessary for the normal business of the facility
- 4 a gathering for the purposes of emergency services
- 5 a gathering at a prison, correctional facility, youth justice centre or other place of custody
- 6 a gathering at a disability or aged care facility that is necessary for the normal business of the facility
- 7 a gathering at a court or tribunal
- 8 a gathering at Parliament for the purpose of its normal operations
- 9 a gathering at a supermarket, market that predominately sells food, grocery store or shopping centre (but not a retail store in a shopping centre other than a supermarket, market that predominately sells food or grocery store) that is necessary for the normal business of the supermarket, market, store or centre
- 10 a gathering at a retail store (other than a supermarket, market that predominately sells food or grocery store) that is necessary for the normal business of the store
- 11 a gathering at an office building, farm, factory, warehouse or mining or construction site that is necessary for the normal operation of the tenants within the building, farm, warehouse, factory or site
- 12 a gathering at a school, university or other educational institution or child care facility that is necessary for the normal business of the school, university, institution or facility but does not include a school event that involves members of the community in addition to staff and students
- 13 a gathering at a hotel, motel or other accommodation facility that is necessary for the normal operation of accommodation services at that hotel, motel or other facility
- 14 a gathering at an outdoor space where 2 or more persons may be present for the purposes of transiting through the place  
**Example.** Pitt Street Mall