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New South Wales

Public Health (COVID-19 Border Control) Amendment Order (No 2) 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, this 6th day of August 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 Border Control) Order 2020* and the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) 2020* in relation to control of the New South Wales border.

Public Health (COVID-19 Border Control) Amendment Order (No 2) 2020

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Border Control) Amendment Order (No 2) 2020*.

2 Commencement

- (1) This Order commences at the beginning of 7 August 2020, except as provided by subclause (2).
- (2) Schedule 1[16], to the extent that it inserts item 2A into Schedule 1 to the *Public Health (COVID-19 Border Control) Order 2020*, commences at 4.00 pm on 10 August 2020.

Schedule 1 Amendment of Public Health (COVID-19 Border Control) Order 2020

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3(1)—

border region means the area consisting of the suburbs with the following postcodes—

- (a) in New South Wales—2550, 2551, 2625, 2627, 2628, 2632, 2633, 2640, 2641, 2642, 2643, 2644, 2646, 2647, 2648, 2653, 2659, 2710, 2711, 2712, 2713, 2714, 2715, 2717, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2879,
- (b) in Victoria—3490, 3494, 3496, 3498, 3500, 3501, 3502, 3505, 3549, 3562, 3564, 3566, 3565, 3567, 3568, 3579, 3580, 3581, 3583, 3584, 3585, 3586, 3588, 3589, 3590, 3591, 3594, 3595, 3596, 3597, 3599, 3621, 3622, 3637, 3638, 3639, 3640, 3641, 3644, 3649, 3682, 3683, 3685, 3687, 3688, 3690, 3691, 3700, 3701, 3704, 3705, 3707, 3708, 3709, 3728, 3730, 3885, 3888, 3889, 3890, 3891, 3892, 3900.

[2] Clause 3(1)

Omit the definition of *day school*. Insert instead in alphabetical order—

specialist school means a government or non-government school, other than a boarding school, for students with intellectual disability, mental health issues, autism, physical disability, sensory impairment, learning difficulties or behaviour disorders.

[3] Clause 3(1)

Omit “*day school*” from the definition of *day school visitor* and “day school” wherever occurring in the definition.

Insert instead “*specialist school*” and “specialist school”, respectively.

[4] Clause 3(1)

Omit “*relevant*” from the definition of *relevant education visitor*.

Insert instead “*Victorian*” and transfer the definition to alphabetical order in clause 3(1).

[5] Clause 5 Direction of Minister not to enter New South Wales

Omit “authorised person” from clause 5(2). Insert instead “affected person”.

[6] Clause 5(3A)

Insert after clause 5(3)—

(3A) The Minister directs that an affected person who is authorised to enter New South Wales because the person holds a current entry permit mentioned in item 1, 1A, 2A, 8, 8B or 15 of Schedule 1 may enter New South Wales only by aircraft landing—

- (a) in the case of an entry permit mentioned in item 1A—an airport in New South Wales, and
- (b) in any other case—Sydney Airport.

[7] Clause 5(4)(b)(ii)

Omit “because the person is”.

[8] Clause 5(6)

Insert after clause 5(5)—

- (6) To avoid doubt, an affected person is not authorised to enter New South Wales if the person's entry permit has been revoked.

[9] Clause 6 Directions of Minister about providing information

Omit "to requirement" from clause 6(3). Insert instead "to a requirement".

[10] Clause 6(4)

Insert at the end of clause 6(4)(b)—

, and

- (c) if requested by the enforcement officer, any certificate or documentary evidence the person is required to have as a condition of the person's entry permit.

[11] Clauses 8 and 8A

Omit clause 8. Insert instead—

8 Directions of Minister for unauthorised persons

- (1) The Minister directs that an affected person who is not a NSW resident and is not authorised to enter New South Wales must, if asked to do so by an enforcement officer—
- (a) leave New South Wales, or
- (b) comply with clauses 5 and 6 of the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) 2020*.
- (2) The Minister directs that an affected person who is a NSW resident and is not authorised to enter New South Wales must, if asked to do so by an enforcement officer, comply with clauses 5 and 6 of the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) 2020*.

Note. Clauses 5 and 6 of the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) 2020* require a person to be quarantined in a quarantine facility or a medical facility.

8A Directions of Minister for persons transiting through New South Wales

- (1) The Minister directs that a person who is authorised to enter New South Wales because the person holds a current entry permit mentioned in item 15 of Schedule 1 must not leave Sydney Airport unless the person is—
- (a) authorised to do so by the Commissioner of Police, or
- (b) required to do so because of an emergency.
- (2) The Minister directs that a person who is authorised to leave Sydney Airport under this clause must—
- (a) do one of the following as determined by the Commissioner of Police—
- (i) go directly to a quarantine facility specified by the Commissioner of Police,
- (ii) go directly to a medical facility for treatment, and
- (b) comply with any determination of the Commissioner of Police in relation to the person's transit at Sydney Airport or travel between Sydney Airport and the quarantine facility or medical facility, and

- (c) subject to any direction of the Commissioner of Police, remain at the quarantine facility or medical facility until the person leaves New South Wales by air from Sydney Airport.
- (3) In this clause, *medical facility* and *quarantine facility* have the same meaning as in the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) 2020*.

[12] Part 4 Repeal, savings and transitional provisions

Omit Division 2. Insert instead—

Division 2 Provisions consequent on Public Health (COVID-19 Border Control) Amendment Order (No 2) 2020

12 Definitions

In this Division—

amending Order means the *Public Health (COVID-19 Border Control) Amendment Order (No 2) 2020*.

commencement means the commencement of the amending Order.

13 Existing entry permits—persons not in New South Wales

- (1) This clause applies if, immediately before the commencement, a person—
 - (a) held an entry permit mentioned in item 1, 1A, 1B, 8, 11, 11A or 11B of Schedule 1 as in force immediately before the commencement, and
 - (b) was not in New South Wales.
- (2) From the commencement—
 - (a) the entry permit ceases to have effect, and
 - (b) the person is not authorised to enter New South Wales under the entry permit.

14 Existing entry permits—persons in New South Wales

- (1) This clause applies if, immediately before the commencement, a person—
 - (a) held an entry permit mentioned in item 1, 1A, 1B, 8, 11, 11A or 11B of Schedule 1 as in force immediately before the commencement, and
 - (b) was in New South Wales in accordance with the entry permit.
- (2) Subject to subclause (4), the entry permit—
 - (a) continues in force for the balance of the period (if any) for which it was issued, unless sooner revoked, and
 - (b) while in force, remains subject to the relevant conditions specified in the entry permit immediately before the commencement.
- (3) To avoid doubt, the person—
 - (a) may remain in New South Wales in accordance with the entry permit, and
 - (b) must continue to comply with the relevant conditions specified in the entry permit immediately before the commencement.
- (4) However, if the person leaves New South Wales—
 - (a) the entry permit ceases to have effect, and

- (b) the person is not authorised to enter New South Wales under the entry permit.

15 Existing entry permits—critical services

- (1) This clause applies if, immediately before the commencement, a person held an entry permit mentioned in item 2 of Schedule 1 as in force immediately before the commencement.
- (2) Subject to subclauses (4) and (5), the entry permit—
 - (a) continues in force for the balance of the period (if any) for which it was issued, unless sooner revoked, and
 - (b) while in force, remains subject to the relevant conditions specified in the entry permit immediately before the commencement.
- (3) To avoid doubt, the person—
 - (a) may remain in New South Wales in accordance with the entry permit, and
 - (b) must continue to comply with the relevant conditions specified in the entry permit immediately before the commencement.
- (4) However, if the person was not in New South Wales on the commencement or leaves New South Wales on or after the commencement—
 - (a) the entry permit ceases to have effect, and
 - (b) the person is not authorised to enter New South Wales under the entry permit.
- (5) Subclause (4) does not apply to a person who held an entry permit mentioned in item 2 of Schedule 1 as in force immediately before the commencement if—
 - (a) the person usually resides in the border region, or
 - (b) the entry permit is for the movement of freight or persons for commercial purposes.

16 Existing entry permits—day school visitors

- (1) This clause applies if, immediately before the commencement, a person held an entry permit mentioned in item 8A of Schedule 1 as in force immediately before the commencement.
- (2) Unless sooner revoked, the entry permit—
 - (a) continues in force for 14 days from the commencement (irrespective of the period for which the entry permit was issued), and
 - (b) while in force, remains subject to the relevant conditions specified in the entry permit immediately before the commencement.
- (3) To avoid doubt, the person—
 - (a) may remain in New South Wales in accordance with the entry permit as continued in force under subclause (2)(a), and
 - (b) must continue to comply with the relevant conditions specified in the entry permit immediately before the commencement.

[13] Schedule 1 Authority to enter New South Wales

Omit item 1. Insert instead—

1	NSW resident (other than a NSW resident holding any other permit mentioned in this Schedule)	Required	The NSW resident must travel to New South Wales by aircraft landing at Sydney Airport Note. The NSW resident will be required to comply with the <i>Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) 2020</i> .
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[14] Schedule 1, item 1A

Omit paragraph (b) from Column 3. Insert instead—

- (b) must travel to New South Wales by the most practicable direct route from the place of quarantine to an airport in Victoria and then by aircraft landing at any airport in New South Wales

[15] Schedule 1, items 1B, 11, 11A and 11B

Omit the items.

[16] Schedule 1, items 2, 2A and 2B

Omit item 2. Insert instead—

2	Person providing a critical service that consists of the movement of freight or persons on a commercial basis (as specified in paragraph (a) or (b) of the definition of <i>critical services</i> in clause 3(1))	Required	The person must— <ul style="list-style-type: none">(a) for the movement of freight on a commercial basis—comply with the relevant COVID-19 Safety Plan at all times, or(b) for the movement of persons on a commercial basis—self-isolate except when providing the critical service
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2A	Person providing a critical service, being a critical service that is highly specialised and— (a) not able to provided by the person remotely, and (b) for a person providing the critical service in NSW—not available in NSW in the same or substantially the same form, and (c) for a person providing the critical service in Victoria—not available in Victoria in the same or substantially the same form	Required	The person must— (a) travel to New South Wales by aircraft landing at Sydney Airport, and (b) self-isolate except when providing the critical service, and (c) have documentary evidence that the critical service meets the criteria specified in Column 1 signed by— (i) the head of the organisation that employs the person, or (ii) if the person is self-employed—the person to whom the critical service is provided
2B	Person who usually resides in the border region providing a critical service in the border region	Required	The person must— (a) for a Victorian resident—self-isolate except when providing the critical service, and (b) for a NSW resident—self-isolate except when providing the critical service, unless the NSW resident self-isolated while in Victoria except when providing the critical service

[17] Schedule 1, item 8

Omit “Relevant” from Column 1. Insert instead “Victorian”.

[18] Schedule 1, item 8

Omit the matter from Column 3. Insert instead—

The Victorian education visitor must travel to New South Wales by aircraft landing at Sydney Airport.

Note. The Victorian education visitor will be required to comply with the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) 2020*.

[19] Schedule 1, item 8A

Omit “Day school” and “day school” wherever occurring.

Insert instead “Specialist school” and “specialist school”, respectively.

[20] Schedule 1, item 8B

Insert after item 8A—

8B	NSW resident who is a student at a boarding school outside New South Wales	Required	The NSW resident must— (a) travel to New South Wales by aircraft landing at Sydney Airport, and (b) self-isolate
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[21] Schedule 1, item 13

Insert “, being the provision of end of life support or to attend a funeral or memorial service” after “grounds” in Column 1.

[22] Schedule 1, item 14

Insert “imposed by a court or an Act (such as bail or parole obligations)” after “obligations” wherever occurring in Columns 1 and 3.

[23] Schedule 1, item 15

Insert after item 14—

15	Person who is transiting through New South Wales by air for the purposes of travelling by air to a place outside New South Wales	Required	The person must— (a) travel to New South Wales by aircraft landing at Sydney Airport, and (b) not leave Sydney Airport unless authorised under clause 8A
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Schedule 2 Amendment of Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) 2020

[1] Clause 3 Definitions

Omit “—see clause 5(1)” from the definition of *relevant person* in clause 3(1).

Insert instead “means a person to whom a direction is given under clause 5”.

[2] Clause 5 Directions—persons arriving in NSW by aircraft (other than flight crew)

Omit “person (a *relevant person*) who arrives in New South Wales by aircraft and who has, within 14 days immediately before that arrival, been in a country other than Australia” from clause 5(1).

Insert instead “a relevant person”.

[3] Clause 5(3) and (4)

Omit clause 5(3). Insert instead—

- (3) The directions under this clause do not apply to a person who arrives in New South Wales—
 - (a) in the person’s capacity as a member of the flight crew of an aircraft, or
 - (b) under a current entry permit under the *Public Health (COVID-19 Border Control) Order 2020* (other than a permit mentioned in item 1 or 8 of Schedule 1 to that Order).
- (4) In this clause, *relevant person* means a person who—
 - (a) arrives in New South Wales by aircraft and who has, within 14 days immediately before that arrival, been in Victoria or a country other than Australia, or
 - (b) is asked to comply with clauses 5 and 6 of this Order by an enforcement officer under a direction by the Minister given under clause 8 of the *Public Health (COVID-19 Border Control) Order 2020*.

Reference number:(n2020-3569)