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New South Wales

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) Amendment Order (No 3) 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 31 day of July 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 4) 2020* as follows—

- (a) to require gymnasiums to register with the NSW Government as COVID-19 Safe businesses and to have COVID-19 Safety Hygiene Marshals,
- (b) to enable a person who is currently required to provide the person's contact details when entering certain premises to instead register the person's contact details with Service NSW by means of a mobile phone or other electronic device.

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) Amendment Order (No 3) 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 4) Amendment Order (No 3) 2020*.

2 Commencement

- (1) This Order commences at the beginning of 1 August 2020, except as provided by subclause (2).
- (2) Schedule 2 commences at the beginning of 6 August 2020.

Schedule 1 Amendment of Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 commencing on 1 August 2020

[1] Clause 3 Definitions

Insert “or gymnasium” after “hospitality venue” in the definition of *COVID-19 Safety Hygiene Marshal* in clause 3(1).

[2] Clause 3(1), definition of “COVID-19 Safety Hygiene Marshal”

Omit “venue” from paragraph (a). Insert instead “premises”.

[3] Clause 3(1)

Insert in alphabetical order—

gymnasium means a gymnasium that is a recreation facility (indoor) and that is open to members of the public, but does not include a dance, yoga, pilates, gymnastics or martial arts studio.

[4] Clause 7 Direction of Minister requiring COVID-19 Safety Plans

Insert after clause 7(3)(d)—

(e) gymnasiums.

[5] Clause 8 Direction of Minister about the number of persons allowed on premises

Omit “a vessel referred to in item 27 of Schedule 1” from clause 8(2)(c).

Insert instead “a vessel used for commercial tours for scuba diving, snorkelling or whale, dolphin or marine animal watching”.

[6] Clause 8B

Insert after clause 8A—

8B Direction of Minister about gymnasiums

The Minister directs that the occupier of a gymnasium must ensure that there is a COVID-19 Safety Hygiene Marshal on the premises if the gymnasium is open for use.

[7] Clause 22 Directions of Minister concerning persons providing contact details

Insert after clause 22(2)—

(2A) The requirement to provide a person’s contact details to the occupier of the premises under this clause is satisfied if the person instead, at the time the person enters the premises, electronically registers the person’s contact details with Service NSW by means of a mobile phone or other device.

(2B) If the occupier of the premises is satisfied that a person who is required to provide the person’s contact details to the occupier instead registers the person’s contact details as referred to in subclause (2A)—

(a) the occupier is taken to comply with subclause (2)(a) and (ab) in respect of that person, and

(b) the occupier is not required to comply with subclause (2)(b) and (c) in respect of that person.

[8] Clause 22(3)

Omit “contact details in accordance with subclause (2)(ab)(ii) must, at the request of the Chief Health Officer, provide the Chief Health Officer with the name and”.

Insert instead “the person’s contact details on behalf of a group as referred to in subclause (2)(ab) must, at the request of the Chief Health Officer, provide the Chief Health Officer with the”.

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

Insert in alphabetical order—

Gymnasiums	Indoor gymnasiums	31 July 2020
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[10] Schedule 1

Omit the matter relating to Recreation facilities (indoor). Insert instead—

Recreation facilities (indoor) (other than gymnasiums)	Indoor recreation facilities (including health and dance studios and martial arts training facilities)	31 July 2020
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[11] Schedule 1

Omit the matters relating to Vessels used for commercial scuba diving and Vessels used for hosting functions.

Insert instead—

Vessels used for hosting functions or for commercial tours	Commercial vessels	23 July 2020
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Schedule 2 Amendment of Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 commencing on 6 August 2020

[1] Clause 22 Directions of Minister concerning persons providing contact details

Omit “relevant premises, provide the person’s contact details to the occupier” from clause 22(1).

Insert “the premises, provide the person’s contact details”.

[2] Clause 22(2)–(3A)

Omit clause 22(2), (2A), (2B) and (3). Insert instead—

- (2) The Minister directs that the occupier of the premises must require a person specified in subclause (1) to provide the person’s contact details in accordance with subclause (3).
- (3) A person may provide the person’s contact details—
 - (a) directly to the occupier of the premises, or
 - (b) by electronically registering the person’s contact details with Service NSW by means of a mobile phone or other device at the time the person enters the premises.
- (3A) The Minister directs that the occupier of premises to whom a person’s contact details are provided in the manner specified in subclause (3)(a) must—
 - (b) keep, for at least 4 weeks, a record of the contact details, and
 - (c) on request, provide the record to the Chief Health Officer as soon as practicable, but no later than 12 hours, after the request is made.

Reference number:(n2020-3464)