



Factsheet No.7

Lockdown laws: NSW COVID-19 rules and Police Powers in Greater Sydney

Revised: 3 September 2021

The powers given to police are changing quickly. Redfern Legal Centre will aim to update this factsheet as changes occur. Download here: <http://bit.ly/covid-19NSWpol>

This factsheet applies to people living in NSW, including Greater Sydney and Areas of Concern:

- **Greater Sydney** includes Hawkesbury, Blue Mountains and Wollongong LGA.
- **Areas of Concern** are Fairfield, Canterbury-Bankstown, Liverpool, Cumberland, Blacktown, Parramatta, Campbelltown, Georges River, Bayside, Burwood and Strathfield Local Government Areas and some suburbs in the Penrith (including Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair and St Marys).

Click here to find the Local Government Area where you live:
<https://www.olg.nsw.gov.au/public/find-my-council>.

Fines and penalties:

- Police can issue an on-the-spot fine for breaching the orders summarised in this fact sheet.
- The on-the-spot fines for breaching public health order range from \$40 to \$5,000 for individuals (including children) and \$1,000

to \$10,000 for corporations. Police can also arrest and charge people with breach of a public health order which may result in much higher fines and potential imprisonment.

- You can request a review of your penalty notice by Revenue NSW and/or appeal the penalty notice to the Local Court. There are also options for seeking a waiver or reduction on the grounds of financial hardship. See RLC's fines factsheets: <https://rlc.org.au/article/nsw-police-powers-fines-and-covid-19-resources>.

This fact sheet covers:

1. Leaving home - including rules about shopping and exercise
2. Visitors to your home - including rules about workers and nominated visitors
3. Outdoor gatherings
4. Work
5. Vehicles
6. Masks
7. Contact tracers
8. Leaving and entering Greater Sydney
9. Closure of premises

1. Leaving home

You can only leave your home if you have a 'reasonable excuse'. Below are examples of 'reasonable excuses' provided by the NSW government. This is not a complete list, and acceptable reasons may depend on the circumstances.

Alert: There is a curfew in place for those who live in an Area of Concerns. If you live in an Area of Concern, you cannot leave your home between 9pm and 5am unless leaving home for: work, collecting or dropping off children at childcare, providing care to a vulnerable person, obtaining medical care or in an emergency, attending to legal obligations or for animal welfare.

For those who live in an Area of Concern, a police officer can order you return to your place of residence as soon as reasonably practicable, if the police officer has a reasonable suspicion that you are not complying with the 'reasonable excuse' requirement.

Reasonable excuses for leaving home include:

1. Buying food, goods or services

- The goods and services must be for the personal needs of people in the household, pets or vulnerable people.
- Only one person per household per day can leave home to obtain goods and services.
- For people in NSW other than in an Area of Concern, you must shop locally, unless the goods and services are not reasonably available - locally means within your LGA or if in another LGA, no further than 5km from your home and not in an Area of Concern.
- For people in an Area of Concern, you must shop within 5km of your home or if the goods and services are not reasonably available within 5km, from another place in the Area of Concern LGA or, if not reasonably available, from the closest place in Greater Sydney they are available.
- You are allowed to take children with you, if they cannot stay home alone.

- Browsing in shops is not permitted.
- Adults and children 16 years and older, must carry evidence of their place of residence and show it to police if requested.

2. Work

- You can leave home for work, if you cannot work from home. If you live in an Area of Concern, you cannot leave home unless you are an authorised worker. See here for list of authorised workers: <https://www.nsw.gov.au/covid-19/rules/authorised-workers>. From 28 August 2021, some workers will require a permit from Service NSW.

3. Exercise

- For people in NSW not in an Area of Concern, you can leave home to undertake 'exercise and recreation' within your LGA or no more than 5km from your home. You can also leave home to accompany a person you are visiting for compassionate reasons who is undertaking exercise and to exercise with nominated person.
- For people in an Area of Concern, you can leave home for no further than 5 km to 'exercise', or if you have a child 12 years and under, to supervise them at play. You cannot leave your home for recreation.
- People 16 years and older must carry evidence of their place of residence and show it to police if requested.

4. Childcare – to drop off or pick up children from childcare.

5. **School** – to travel to and from school, university or college, if you cannot learn from home.
6. **Medical** – to obtain medical care, health supplies and donating blood, including obtaining the COVID-19 vaccine.
7. **Care** – for carer’s responsibilities or to provide care or assistance to a vulnerable person.
8. **Compassion** – for compassionate reasons, including where two people are in a relationship but don’t live together.
9. **Shared custody** – to move children between parents’ households.
10. **Nominated visitors** – to visit a person who lives alone, if you are a ‘nominated visitor’ (see below).
11. **Emergencies** – for emergencies and risks to persons, ie avoid injury or illness or escape a risk of harm.
12. **Animal welfare.**
13. **Legal** – to undertake legal obligations.
14. **Public services** – to access public services, e.g., Centrelink.
15. **Move/inspect home** – to move home or inspect a new home (special rules if leaving or entering Greater Sydney, see below).
16. **Accommodation** – if your temporary accommodation expires, to move to new accommodation.
17. **To relocate your business.**
18. **Religion** – for religious functions, for priests etc.
19. **Funeral or Wedding**– to attend a small funeral, memorial or wedding service:
 - **Funerals:** For people in NSW not in an Area of Concern, you can leave home to attend a small funeral or memorial service but if the funeral/service is in an Area of Concern, you can only attend if you are the spouse, de facto partner, parent, child or sibling of the deceased person.
 - For people in an Area of Concern, you can leave home to attend a small funeral or memorial service if it is in the Area of Concern. If it is outside the Area of Concern, you can only attend if you are the spouse, de facto partner, parent, child or sibling of the deceased person.
 - **Weddings:** If you do not live in an Area of Concern, you can leave your home to attend a small wedding that includes up to five guests, plus the persons getting married, the celebrate/priest etc, the person recording the service, two legally required witnesses. If the wedding is being held in an Area of Concern you can only attend as a guest if you are the parent, child or sibling of of one of the persons getting married.
 - If you live in an Area of Concern, you can leave your home to attend a small wedding service that includes up to five guests, plus the persons getting married, the celebrate/priest etc, the person recording the wedding, and two legally required witness. If the wedding is outside the Area of Concern, you can only attend if you are the parent, child or sibling of one of the persons getting married.
 - If you live in Greater Sydney, you cannot leave Greater Sydney to attend a wedding.
 - You cannot have a gathering after a wedding service, the orders only permit the wedding service itself.

- No more than 11 people can attend a wedding service.

See here for further details:

<https://www.nsw.gov.au/covid-19/rules/greater-sydney#worship-weddings-and-funerals>.

2. Visitors to your home

You cannot have any visitors at your home, except:

1. Workers

Workers can visit to undertake work:

- If the work is cleaning, repairs and maintenance, alterations and additions to buildings or work carried out as part of a trade (e.g. electrical or plumbing), they can only visit if:
 - the work is necessary (see below), or
 - the work is outdoors – no more than 5 people, or
 - outside of Areas of Concern only – if indoors – no more than 2 workers at any one time and no person, other than the other worker, in a room.

Work is *necessary* if it is:

- urgently required to ensure health and safety or security or because of an emergency, or
- is for the installation, maintenance or repair of an essential utility (water, gas, electricity, internet, television or telecommunications service) or fire protection and safety, or
- for cleaning and repairs – the residence is unoccupied while work is carried out and the work is necessary for the sale or lease of the property.

2. Nominated Visitors

- For adults living alone, they may nominate one person who can visit them. An individual is eligible to be a nominated visitor for a person if:
 - no other individual has been a nominated as a visitor for the person, and
 - the individual has not been a nominated visitor for another person
- For people not living in an Area of Concern – the nominated visitor cannot live in an Area of Concern. For people who live in an Area of Concern, the nominated visitor must reside within 5km of them, and requires a permit from Service NSW.
- If the visitor has dependent children and no alternative childcare arrangements are reasonably available, they can visit with the nominated person.
- If your nominated person becomes unavailable you may elect another nominated person.

3. Moving – a person may visit to help you move.

4. Childcare – visitors can attend for childcare.

5. Shared custody – a person may visit for family contact arrangements.

6. Emergency – a person may visit for an emergency or to avoid injury or illness or escape a risk of harm.

7. Property inspection/auction – to view or inspect property or attend an auction.

8. Care – a person may visit for carer's responsibilities, to provide care or assistance to a vulnerable person or for compassionate reasons

– no more than one person may visit for carer's or care reasons but two can visit people if needed for safety.

3. Outdoor gatherings

Only two people are allowed per outdoor gathering. However, the two-person limit does not apply to:

- people from the same household
- a person carrying out work
- providing care or assistance to a vulnerable person
- a person carrying out work
- providing emergency assistance
- fulfilling a legal obligation, e.g. attending court
- moving a person to a new home or business
- A small funeral, memorial or wedding service
- for the purpose of a gatherings at airports, public transport, hospitals, correctional facilities, disability or aged care facilities, courts or tribunals, supermarkets and markets, office buildings, schools, hotels, educational facilities, services for the vulnerable or homeless and Parliament.

Failing to comply with the outdoor gathering limit can result in a \$3,000 on-the-spot fine for individuals.

4. Work

Employers must require employees to work from home unless it is not reasonably practicable to do so. Workers are limited in what they can do by the rules relating to business premises that must close (see below) and the limits on visitors to homes by workers (see above).

Workers entering Areas of Concern

From Saturday, 28 August 2021, a worker must not enter an Area of Concern to carry out work unless they have a permit issued by Service NSW.

Workers living in Areas of Concern

If you live in an Area of Concern, you can only leave the area for work if you:

- are an authorised worker
- are 16 years of age and above
- from 6 September 21, have had at least 1 dose of a COVID-19 vaccine, or have been issued with a medical certificate
- have a permit from Service NSW.

See here for list of **authorised workers** and vaccination requirements:

<https://www.nsw.gov.au/covid-19/health-and-wellbeing/covid-19-vaccination-nsw/covid-19-vaccination-for-workers>.

The above does not apply to a person who is tested as part of a COVID-19 rapid antigen testing program approved by the Chief Health Officer, or to a person who has not been in the Area of Concern during the previous 14 days.

Evidence: From Monday, 6 September 2021, those 16 years and above must carry evidence of your vaccine or carry a medical certificate (if required to be vaccinated), ID and produce them to police, your employer, the occupier of the place of work, or an authorised officer, if requested.

Aged care, health and care workers

If you are an aged care worker: From 17 September 21, you must not enter or remain on premises of residential aged care facility unless you have complied with the above requirements.

If you are a health care worker: From 30 September 21, you must not enter or remain on premises of residential aged care facility unless you have complied with the above requirements.

If you are a care worker (including: early education, child care, home-based child care, school-based child care, disability support services): From Monday 6 September 2021, you must not enter or stay in your place of place of work unless you have complied with the above requirements.

See here for further details and evidence requirements: <https://www.nsw.gov.au/covid-19/health-and-wellbeing/covid-19-vaccination-nsw/covid-19-vaccination-for-workers>.

Construction sites

If you live in Greater Sydney or in an Areas of Concern, you must not enter or remain on a construction site in NSW unless you:

- have had 2 doses of a COVID-19 vaccine, or
- have had 1 dose of a COVID-19 vaccine at least 21 days ago, or
- have had 1 dose of a COVID-19 vaccine within the preceding 21 days and have been tested for COVID-19 within the preceding 72 hours, or
- have a certified medical contraindication and have been tested for COVID-19 within the preceding 72 hours.

You also must carry evidence of the above and produce when required by your employer, the occupier of the construction site, a police officer, or an authorised officer.

There are rules covering the maximum number of people on construction sites in Greater Sydney – the limit is 1 person per 4 square metres or for a construction site with a resourcing plan – 50% of the maximum daily workforce, whichever is the lesser.

Travelling to work

If you travel more than 50km from Greater Sydney to carry out work, you must:

- be tested for COVID-19 within the previous 7 days
- carry evidence of the test
- carry evidence of your name and address.

5. Vehicles

You cannot travel in a car unless you have a 'reasonable excuse' to leave your home. You can only travel with people from your household, or

your nominated person if you live alone, unless the vehicle is being used:

- for work
- to provide care or assistance to a vulnerable person
- in an emergency
- for compassionate reasons including where two people are in a relationship but don't live together.

If you are 16 years of age and older, you must carry evidence of your name and address and produce it to police if requested.

6. Masks

Anyone above the age of 12 years must wear a mask at all times (indoors and outdoors) except when at a place of residence. See below for when you can take it off (i.e. during exercise).

If your home has indoor common property areas (e.g. stairs, foyer, lifts), you must wear a mask in these areas as well.

Even when not wearing a mask, you are legally required to carry a mask on you when you are away from your place of residence.

Hospitality venues must make sure their workers comply with these rules.

Failing to comply with a direction to wear or not carry a face mask is \$500 for individuals (less for children) and \$1,000 for a corporation.

Children

Children aged 12 or under do not have to wear masks.

People with a physical, mental or intellectual disability

People with a physical, mental or intellectual disability that makes wearing a face covering unsuitable do not have to wear masks. However, you must carry with you proof that you have a physical or mental health illness or condition or

disability (e.g. a letter from a doctor or NDIS provider), and proof of your name and address.

You are required to show this proof to a police officer if requested.

Taking your mask off

You may take off your mask when:

- eating or drinking
- undertaking physical exercise
- communicating with a person who is deaf or hard of hearing
- working, if people find it difficult to understand you with a mask on
- showing your identity to someone (i.e. police officer, Justice of the Peace)
- there is an emergency
- to properly provide goods or services
- you are in a jail
- you are patient at a hospital
- you are a resident at an aged care facility
- you are a student at school
- you are a guest at a hotel/motel and you are in your own room
- you are in a vehicle alone or with members of the same household or your nominated visitor
- you are working at a school outside Greater Sydney or an Area of Concern.

7. Contact Tracers

If you are called by an authorised contact tracer you must answer questions or provide information about your movements if requested.

You must also provide your contact details including your name and telephone number or email address. An individual can be issued with a \$5000 on-the-spot fine for breaching this requirement.

8. Leaving and entering Greater Sydney

Entering Greater Sydney

People outside Greater Sydney cannot enter Greater Sydney without a reasonable excuse.

Reasonable excuses include:

- entering to go home
- obtaining goods and services for personal needs if they are not reasonably available outside of Greater Sydney
- attending a small funeral, memorial or wedding service in Greater Sydney
- for work, if you cannot work from home
- to drop off or pick up children from child care
- travel to and from school/university/college, if you cannot learn from home
- obtain medical care or health supplies & donating blood, incl vaccine
- for carers responsibilities or to provide care or assistance to a vulnerable person
- for compassionate reasons including where two people are in a relationship but don't live together
- move children between parents' households
- for emergencies and risks to persons, i.e. avoid injury or illness or escape a risk of harm
- for animal welfare
- to undertake legal obligations
- to access public services, e.g., Centrelink
- if your temporary accommodation expires, to go directly to other accommodation
- for business relocation
- moving home or inspect a new home.

Leaving Greater Sydney

People leaving Greater Sydney to move house or inspect residential property or to work more than 50km outside of Greater Sydney must obtain a permit from Service NSW.

A person who lives in Greater Sydney cannot leave Greater Sydney to move between places of residence unless the move is for:

- work – only that person can move, or
- urgent maintenance or repairs or animal welfare – only one person can move.

A person who lives in Greater Sydney cannot leave Greater Sydney to inspect residential property unless:

- they have a genuine intention to move out of Greater Sydney as soon as practicable, and
- they are inspecting the place as a potential place of residence.

If you travel more than 50km from Greater Sydney to carry out work, you must:

- be tested for COVID-19 within the previous 7 days,
- carry evidence of the test, and
- carry evidence of your name and address.

People leaving Greater Sydney must carry evidence of their name and address and show it to police if requested.

9. Closure of premises

Areas of Concern

The following retail premises must not be open to members of the public:

- Garden centres and plant nurseries
- Hardware and building supplies
- Landscaping material supplies
- Rural supplies
- Timber yards.

These businesses can still be open for 'click and collect' or deliver good purchased online or by phone.

Educational institution (e.g. University, TAFE) must not be open to allow students to attend in

person. This does not include schools or institution operated by NSW Health.

All areas

The following premises must not be open to the public: amusement centres, hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours, auction houses, betting agencies, non-food markets, information and education facilities (if not providing educational or childcare), sex services, casinos (except for take away food and accommodation), public swimming pools (not a sea pool), gaming lounges, strip club), in-person property auctions.

Some premises can open only for limited purposes, e.g. food and drink places can only sell take-away food or drinks. To hold a small funeral, memorial or small wedding service.

The following retail premises may be open to members of the public:

- supermarkets, grocery shops, shops that mainly sell food or drinks
- chemists and pharmacies
- kiosks, hardware and building supplies, landscaping material supplies, rural supplies, timber yards, garden centres and plant nurseries
- vehicle hire
- shops that mainly repair mobile phones
- shops that mainly sell office supplies, pet supplies, newspapers, magazines and stationary, alcohol, maternity and baby supplies, medical or pharmaceutical supplies
- service stations
- banks
- post offices
- laundromats and dry cleaners.

Premises that provide a service to assist vulnerable members of the public (i.e. food bank, homeless services, early education and care facility) may stay open.

Click & collect and delivery

All retail premises can open for the purpose of selling goods to the public by “click and collect” or delivering goods to a person’s place of residence or other premises.

Maximum number of people on business premises

You can only have a maximum of 1 person per 4 square metres of space. The above rule does not apply to the following premises:

- vessels
- caravan parks and camping grounds
- place of residence or holiday home or short-term rental
- holiday homes and short-term rentals
- exempted gatherings
- construction site in Greater Sydney.

To see the COVID Safety rules for businesses go to: <https://www.nsw.gov.au/covid-19/covid-safe>.

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This factsheet is not a substitute for legal advice. If you have a problem, please seek legal advice from your local community legal centre.