

Issue 47 of 2021 – 10 August

COVID-19 UPDATE PUBLIC HEALTH (COVID-19 ADDITIONAL RESTRICTIONS FOR DELTA OUTBREAK) AMENDMENT (No.23) ORDER 2021

Members are advised that the NSW Government has published the abovementioned [Health Order \(HO\)](#).

This HO which commences from 12.01am on 11 August 2021 provides for the re-opening of the Building and Construction Industry in the Greater Sydney Area.

The HO contains a number of Directions from the NSW Minister for Health. Included in these Directions is information which applies to a person whose place of residence is in a declared area (namely the Local Government Areas of Blacktown, Campbelltown, Canterbury-Bankstown, Cumberland, Fairfield, Georges River, Liverpool and Parramatta), must not enter or remain on a construction site in Greater Sydney unless the resident:

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

- (2) The Minister directs that a person whose place of residence is in a declared area who enters or remains on a construction site must—
 - (a) carry the required evidence, and
 - (b) produce the required evidence for inspection if requested by—
 - (i) the person's employer, or
 - (ii) the occupier of the construction site, or
 - (iii) a police officer, or
 - (iv) an authorised officer.

- (3) The Minister directs that an occupier of a construction site must not permit a person whose place of residence is in a declared area to enter or remain on the construction site unless the occupier is satisfied that the person—
 - (a) has complied with subclause (1), and
 - (b) is carrying the required evidence.

- (4) A person has a certified medical contraindication if the person—
 - (a) cannot have a COVID-19 vaccine due to a medical contraindication, and
 - (b) has a certificate, in the form approved by the Chief Health Officer, from a medical practitioner that specifies the medical contraindication.

- (5) This clause does not apply to the following persons—
 - (a) a person who enters or remains on a construction site because of an emergency,
 - (b) a police officer,
 - (c) an authorised officer.

- (6) In this clause—

Australian Immunisation Register means the Australian Immunisation Register kept under the Australian Immunisation Register Act 2015 of the Commonwealth.

required evidence for a person means—

- (a) proof of residence, and
- (b) all of the following that apply to the person—
 - (i) evidence from the Australian Immunisation Register that the person has had 1 or 2 doses of a COVID-19 vaccine,
Example. An online immunisation history statement or COVID-19 digital certificate from the Australian Immunisation Register can be evidence of a COVID-19 vaccine.
 - (ii) evidence that the person has been tested for COVID-19,
Example. An SMS text message or email from the testing organisation can be evidence of a COVID-19 test.
 - (iii) a certificate specifying a medical contraindication as required under subclause (4).

test for COVID-19 includes test for COVID-19 using a rapid antigen test on a construction site in the way approved by the Chief Health Officer.

The Minister also Directs that an occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the lesser of:

- (a) the number of persons that is equivalent to 1 person per 4 square metres of space on the construction site, or
- (b) if there is a current resourcing plan for the construction site—the number of persons that equals 50% of the maximum daily workforce of the construction site.

The HO defines a current resourcing plan for a construction site as:

- (a) the resourcing plan that applied to the construction site on 31 July 2021, or
- (b) if there was no resourcing plan for the construction site on 31 July 2021—the resourcing plan that applies to the construction site on the day on which work commences on the construction site.

maximum daily workforce of a construction site means the maximum number of workers at the construction site on any day during the project life cycle, derived from the current resourcing plan for the construction site.

project life cycle of a construction site means the period from the commencement of work on the construction site to the completion of work.

If Members have any further enquiries, please check the following links to NSW Health website:

- [Authorised Workers](#)
- [Vaccinations for Construction Workers](#)
- [Construction Rules and Restrictions](#)
- [Renovations, Repairs, Maintenance and Cleaning of Homes](#)

Members may also contact the Association's Industrial Relations Department or Safety Department on 02 8586 3555.