

COVID-19: NSW and Victoria border closure – what do I need to know?

FACTSHEET

This factsheet is part of a series from Legal Aid NSW that aims to help answer your questions about COVID-19 and everyday law.

You may be worried or confused about how COVID-19 will affect you and your everyday life. Sometimes a crisis can make legal problems worse or new problems might develop. Legal Aid NSW understands that there will be a lot of questions about money worries, fines, police, housing, Centrelink, employment, guardianship and mental health. This series of factsheets will give you helpful information and contacts to assist you to manage all the changes that are happening in our community.

Who is this factsheet for?

This factsheet is for people who want to know their legal rights and responsibilities under the NSW public health order border closure with Victoria or for people who have received a fine under this law.

If you live in Victoria and have a question about a Victorian law, go to the [Victoria Legal Aid website](#) for more information.

What are the changes?

The NSW Government has made new orders to limit the spread of COVID-19. They have been issued under the *Public Health Act*.

This order has temporarily imposed border restrictions with Victoria. Only a restricted number of persons are authorised to enter NSW if they have been in Victoria in the last 14 days. You must be in the relevant category listed in the table below and hold a valid entry permit (if required) and comply with the conditions specified for your relevant class. These rules will be enforced by NSW Police at all border crossings by road, rail, air, foot or water.

The border closed at 12.01am on Wednesday 8 July 2020.

The order lasts for 90 days unless revoked earlier.

Can anyone travel from Victoria to NSW?

You need to have a permit to enter NSW from Victoria

- If you have been in Victoria in the last 14 days, you must have a valid NSW entry permit to enter NSW.
- Before travelling to NSW you should apply for a permit online via the [Service NSW website](#).
- People entering NSW for emergency medical, hospital, dental or veterinary care, or provide an emergency or law enforcement service, or are avoiding harm, or escaping a domestic violence situation are not required to obtain an entry permit and are authorised to enter NSW under the public health order. You may be asked for details of how you fall into a particular category and, where possible, you should have documentary evidence, such as a letter from your doctor or hospital.
- If you do not have an entry permit or are not authorised to enter, you may be asked to leave NSW or comply with mandatory quarantine. If you entered quarantine after 11 September 2020 this means that you may have to pay quarantine fees. (See Quarantine fee waiver section below).

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- The [Service NSW website](#) has details of who is eligible for an entry permit **and special conditions** attached to each type of permit.
- Permits are required for adults and children
- Permits are valid for 14 days from the date of issue (3 days for NSW residents and interstate residents transiting through NSW) and apply to all borders – land, air, sea and river crossings.
- You must comply with all conditions specified by the permit for your relevant class of person under the Order, including any self-isolation requirements.
- If you are required to self-isolate, you must do so at your place of residence or another suitable place and remain there until 14 days have passed since the date you were last in Victoria.
- You must carry a copy of your valid permit at all times when travelling or undertaking activities in NSW and photo ID so it can be produced to an enforcement officer on request.

From 12.01am on Friday 4 September 2020 the following rules apply for NSW entry permits:

Type of resident, worker or situation - Are you?	Do you need an entry permit from Service NSW?
<p>A NSW resident other than a border region resident, which means a person (updated on 4 September 2020):</p> <ul style="list-style-type: none"> • whose usual place of residence in is NSW • who intends to reside permanently in NSW and has leased or purchased a residential property in NSW, or entered into an arrangement for that purpose. 	<p>Yes and you can only enter NSW by air through Sydney Airport and must go into mandatory hotel quarantine for 2 weeks. See below for more details about air travel into NSW.</p> <p>Note: If you enter NSW before 11 September 2020 you will not be charged quarantine fees.</p>
<p>A NSW resident who has been quarantined in Victoria for the previous 14 days</p>	<p>Yes – must have documentary evidence that you have completed the Victorian quarantine period, and must travel to NSW by the most practicable direct route from the place of quarantine.</p>
<p>A border region resident (see below for more information)</p>	<p>Yes – special conditions apply. You must follow conditions on your permit.</p> <p>Note there are new orders from Friday 17 September 2020. Border region residents are able to travel within the border region for any reason with a current permit and you no longer need to comply with Victorian Stay at Home Directions while in NSW. If you have a</p>

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	valid entry permit as of that date the new conditions apply.
A border region seasonal and farm worker	Yes – special conditions apply
<p>A critical service worker who lives and provides a critical service not in the border region</p> <p>A <i>critical service</i> includes:</p> <ul style="list-style-type: none"> • movement or freight or persons on a commercial basis • maintenance and repair of critical infrastructure • medical, hospital, dental or veterinary care • Commonwealth defence and security services • mining agriculture, constructions, energy or manufacturing • COVID-19 environmental cleaning on a commercial basis that is not available locally. <p>It does not include services provided by a seasonal worker.</p>	<p>Yes – special conditions apply. You can only enter NSW through Sydney Airport.</p> <p>Note from 2 September these permits can take up to 5 working days to process. See Service NSW website for more information.</p>
A critical service worker who provides commercial transport of freight or persons	Yes – special conditions apply
<p>A critical service agriculture worker</p> <p>A critical service agriculture worker means a NSW or Victorian resident who is employed in an agricultural or primary production industry to provide agriculture service or is contracted to provide this service.</p> <p>Examples include: beekeepers, bushfire recovery workers, cross-border rural property landowners. Full list of eligible workers.</p>	<p>Yes – special conditions apply</p> <p>Victorian agriculture service workers must not travel more than 100km north of the border and NSW critical agriculture service workers must not travel more than 100 km south of border. Note from 2 September these permits can take up to 5 working days to process. See Service NSW website for more information.</p>
<p>Transiting through NSW by air to travel outside NSW by air</p> <p>If you need to travel from Victoria to any other State or Territory through NSW you must get a transit permit.</p> <p>You must stay in Sydney Airport during your transit period. You can only leave Sydney Airport if you are:</p> <ul style="list-style-type: none"> • authorised to do so by the Commissioner of Police 	<p>Yes - the transit permit only lets you enter NSW by air into Sydney Airport to travel to another State or Territory.</p>

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<ul style="list-style-type: none">required to do so because of an emergency.	
A member of parliament or staff member	Yes
A Victorian boarding school or university college student, staff member or parent/guardian accompanying a student under 18 years of age	Yes
A NSW resident who is a student at a boarding school outside NSW	Yes
A specialist school student, staff member, service provider or parent/guardian accompanying a student under 18 years of age	Yes
A carer for a person entering NSW	Yes
Needing to enter NSW for child access and care arrangements	Yes - If you have documents about parenting arrangements, bring them with you for handover. The documents might be helpful if authorities ask why you are away from home. You will also need to complete a COVID-19 safety plan for child access or care arrangements available on the NSW government website .
Needing to enter NSW after accessing essential medical or hospital services in Victoria not available locally in NSW or remotely	Yes
Needing to attend court as a defendant, witness or a lawyer in a case, or, to meet other legal obligations imposed by a Court or an Act (such as bail or parole obligations)	Yes
Entering to provide end of life support, attend a funeral or memorial service or in other exceptional circumstances.	Yes and must have a compassionate entry permit from NSW Health
An emergency services worker	No
A law enforcement services worker	No
Needing to avoid injury, harm or immediate emergency situation such as domestic violence	No
Requiring medical, hospital, dental or veterinary care in an emergency situation	No

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Do I need to self-isolate when I arrive in NSW from Victoria?

Your entry permit will tell you if you have any special conditions, including the need to self-isolate, that you need to comply with.

From Friday 4 September 2020, if you are travelling from Victoria and are not a NSW border region resident or you are a NSW border resident and have been in Victoria outside of the border region, you can only enter NSW by air through Sydney Airport.

You will then be required to go into 14 days self-isolation in a government organised hotel at your own expense. You will be charged a quarantine fee for this period by the NSW Government. See the factsheet [COVID-19: Mandatory quarantine – what do I need to know?](#)

Quarantine fee waiver for NSW residents returning from Victoria

There is a 'moratorium' or temporary suspension on hotel quarantine fees for NSW residents returning from Victoria. NSW residents will not be charged quarantine fees if they return home before **12:01am Friday 11 September 2020**. This waiver is only for NSW residents and not for international travellers and domestic travellers from other states.

Who do the quarantine fees apply to?

Quarantine hotels and fees apply to people arriving by air into Sydney Airport who have been in Victoria in the 14 days prior to arrival:

- Returning NSW residents (other than those specified below) from 12:01am Friday 11 September 2020 when the moratorium expires.
- Non-NSW residents with a valid border entry permit
- Victorian education visitors – this is a person who normally lives in Victoria but is a boarding school or university school student in NSW, parent or guardian accompanying a student under 18 years of age or staff member working at a NSW boarding school or University
- People who are transiting through NSW who need to leave the airport.

Quarantine hotel and fees do not apply to:

- Returning NSW residents who have evidence of quarantine in Victoria for the previous 14 days and may enter by any NSW airport
- Members of Parliament or staff members but you must self-isolate when not doing official duties
- Consular officials but you must self-isolate when not doing official duties
- Specialist school visitors but you must comply with special conditions in your entry permit
- NSW residents who are boarding school residents outside NSW but you must self-isolate on return to NSW
- Person entering for child access or care arrangements but you must self-isolate on return to NSW
- Person authorised to enter NSW for emergency medical or hospital services not available in Victoria
- Person authorised to enter Victoria for emergency medical or hospital services not available in NSW but you must self-isolate on return to NSW

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- Person entering on compassionate grounds to provide end of life support or attend a funeral or memorial service
- Person entering to attend Court or other legal obligations imposed by a Court but you must self-isolate except during Court attendance and doing those obligations.

What about people who live in border communities (border region residents)?

NSW border region residents must apply for a permit to travel into Victoria.

From 12.01am Friday 4 September 2020 a single border region will be reinstated to residents living within 50 kilometres on either side of the border. Entry permits are required to allow border region residents to cross into the other side of the NSW-Victorian border for the following permitted purposes:

- to attend work (but only if you cannot work from home) – this includes seasonal workers living in the border zone in Victoria who do farm work in the border region in NSW with special conditions
- to obtain educational services (but only if you cannot learn from home)
- for care or compassionate reasons – this includes services for personal care, mental health, domestic violence and victims of crime
- to obtain necessary goods and services
- to move to a new place of residence.

Border region residents must not enter NSW if they have in the previous 14 days:

- been to a part of Victoria that is outside the border region or in an area that is a COVID-19 area of concern, and
- been into Victoria for a purpose other than the permitted purposes as outlined above.

Note: If you are in this situation and still need to travel into NSW you may apply for a different type of entry permit but you will be subject to the special conditions attached to that permit. See the table above and the Service NSW website.

Border region residents can check if their address falls within these new border restrictions on the [Service NSW website](#).

For more information go to the NSW Government [guide to border restrictions webpage](#).

What about my parenting arrangements?

You can travel to NSW if you need to do so because of the arrangements you have for your children, for example you have a court order which says that you should have time with your children on weekends.

You will need to apply for an entry permit to do this and the permit will last for 14 days.

If you do not live in a border region community (see above), you are also required to comply with the COVID-19 Safety Plan for child access or care arrangements available on the [NSW government website](#).

If you live in Victoria and need to cross the NSW border, consider these things:

- Keep photo identification with you.
- Have a copy of your court orders or your parenting plan or other written agreement of your arrangement.

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- Have the other parent available by telephone in case they need to be contacted by police.
- Keep in mind that it might take a lot longer than usual to cross the border.
- Get legal advice before trying to cross the border.

You might find that you, or the other parent, cannot cross the border. Parents need to be as flexible as possible in these circumstances. If the children are with you, try to arrange for them to stay in touch with the other parent by telephone, video or FaceTime chats, or email. You may also want to consider arranging “make-up time” for the other parent once border travel becomes possible again. See also the Legal Aid NSW factsheet about [COVID-19 and parenting orders](#).

What does ‘self-isolation’ mean for people not going into hotel quarantine?

This means:

- You must go directly to your place of residence or another suitable place to stay. You must stay there for 14 days from the date you entered NSW and take reasonable steps to minimise contact with other persons. You can only leave your isolation to:
 - get medical care or medical supplies
 - comply with a legal obligation or a court or tribunal order
 - in an emergency
 - to provide a critical service
 - to leave NSW by the most practicable direct route.
- No-one can enter the place where you are self-isolating, unless they:
 - normally live there or they are also in self-isolation in the place you are staying
 - are delivering food or essential items
 - for medical or emergency purposes.
- Follow the [NSW Health self-isolation guidelines](#).

Where do I get an entry permit?

You must [apply for a permit](#) online through Service NSW.

<https://www.service.nsw.gov.au/transaction/apply-covid-19-nsw-border-entry-permit>

For more information, call **Service NSW on 13 77 88**, 24 hours, 7 days a week.

What do I do with my entry permit?

If asked, you must provide a current entry permit to an enforcement officer for each person who is travelling across the border from Victoria into NSW.

If asked, you must also provide photo identification to verify you are the holder of the permit.

What happens if I break this public health order?

For individuals the maximum penalty is \$11,000, or imprisonment for 6 months, or both. A further \$5,500 penalty may apply for each day the offence continues.

On-the-spot fines

NSW Police may issue on-the-spot fines of \$1,000 to individuals for breaking a public health order. Fines can be issued to adults and children aged 10 to 18 years.

NSW Police may also issue an on-the-spot fine of \$4,000 if:

- a person does not provide information to enable an enforcement officer to decide if you have been in Victoria in the past 14 days and if you are authorised to enter NSW.
- a person does not provide information that is true and accurate.

Producing a current entry permit and (if requested by the enforcement officer) photographic identification to verify you are the holder of the permit for inspection is sufficient information to meet these requirements.

Victoria police can issue on the spot fines of up to \$1,652 for individuals for breaching a Stay at Home order (maximum of \$10,000 through the Magistrates Court). Police may also issue a \$200 fine for not wearing a face mask while required in Victoria For more information about the fines issued in Victoria visit the [Victorian Government website](#).

What are my options if I get a NSW public health order fine?

Revenue NSW deals with the payment and management of fines in NSW. You have the option to:

- pay the fine
- ask for a review of the fine
- go on a payment plan to pay off the fine
- dispute the fine in Court
- ask if you are eligible for a Work and Development Order (WDO) instead of paying the fine

If you need help or can't pay the fine by the due date you should get legal advice. See also the Legal Aid NSW factsheet [COVID-19 Public Health Orders – What do I need to know](#).

Contact LawAccess NSW on 1300 888 529 as soon as you get the fine to find out your options.

What are my options if I get a Victoria public health order fine?

If you get a fine in Victoria you can ask Victoria Police to review your fine. You can [apply online to request a review](#) or contact [Fines Victoria](#). Police may agree or refuse to withdraw your fine.

If police continue with your fine, you have four options:

- pay your fine by the new due date
- agree to pay the fine but ask for a payment plan.

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- apply for a [work and development permit](#)
- choose to go to the Magistrates' Court to [challenge the fine](#).

For information on your options to manage these fines visit the [Victoria Legal Aid website](#).

How can I get help?

For free legal help call **LawAccess NSW on 1300 888 529** or [call your local Legal Aid NSW office](#).

Victoria Legal Aid has a [border factsheet](#) for Victorian residents on their website.

There is also a series of [factsheets about COVID-19 and the law](#) available on the Legal Aid NSW website to assist you to manage all the changes that are happening in our community.

If you need an interpreter, call the Translating and Interpreting Service on 131 450 and ask for LawAccess NSW. If you find it hard to hear or speak, call the National Relay Service on 133 677 and ask for LawAccess NSW or visit www.relayservice.gov.au.

This factsheet is intended as a general guide to the law. Do not rely on this information as legal advice. We recommend you talk to a lawyer about your situation. This information is correct at the time of writing, however, it may change.

CVCIV07 | 18 September 2020 | © Legal Aid NSW