

Confused about Covid-19 Lockdown Laws?

Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020 (NSW)

- **The Minister has the Power to issue the order under the Public Health Act 2010**
- **Effective from 30 March 2020 in New South Wales (the following is correct as at 5 April 2020)**

The object of this Order is to give certain Ministerial directions to deal with the public health risk of COVID- 19 and its possible consequences. In particular, this Order directs that a person must not, without reasonable excuse, leave the person's place of residence.

Examples of a reasonable excuse include leaving for reasons involving- (a) obtaining food or other goods and services, or (b) travelling for the purposes of work or education if the person cannot do it at home, or (c) exercise, or (d) medical or caring reasons.

In addition, this Order directs that a person must not participate in a gathering in a public place of more than 2 persons.

Exceptions include- (a) gatherings of members of the same household, and (b) gatherings essential for work or education.

Section 10 of the Public Health Act 2010 creates an offence if an individual fails to comply with a direction with a maximum penalty of imprisonment for 6 months or a fine of up to \$11,000 (or both) plus a further \$5,500 fine each day the offence continues. Corporations that fail to comply with a direction are liable to a fine of \$55,000 and \$27,500 each day the offence continues.

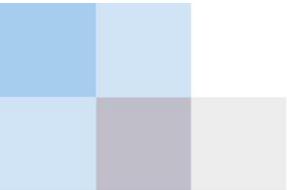
Stay home!

- You must stay home UNLESS you have a reasonable excuse to leave.
 - No more than 2 people to gather in public UNLESS you have a reasonable excuse.
 - Members of the same household can be in public together (e.g. a family of 4 or flatmates living in the same residence).
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What is a reasonable excuse? Schedule 1

1. Obtaining **food** or other **goods or services** for the personal needs of the household or other household purposes (including for pets) and for vulnerable persons.
 2. Travelling for the purposes of **work** if the person cannot work from the person's place of residence.
 3. Travelling for the purposes of attending **childcare** (including picking up or dropping another person at childcare).
 4. Travelling for the purposes of facilitating attendance at a **school** or other educational institution if the person attending the school or institution cannot learn from the person's place of residence.
 5. **Exercising.**
 6. Obtaining **medical** care or supplies or health supplies or fulfilling carer's responsibilities.
 7. Attending a **wedding or a funeral** in the circumstances referred to in clause 6(2)(d) and (e) or 7(1)(h).
 8. **Moving** to a new place of residence (including a business moving to new premises) or between different places of residence of the person or inspecting a potential new place of residence.
 9. Providing care or assistance (including personal care) to a vulnerable person or providing emergency assistance.
 10. **Donating blood.**
 11. Undertaking any **legal obligations.**
 12. Accessing **public services** (whether provided by government, a private provider or a non-government organisation), including- (a) social services, and (b) employment services, and (c) domestic violence services, and (d) mental health services, and (e) services provided to victims (including as victims of crime).
 13. For children who do not live in the same household as their parents or siblings or one of their parents or siblings--continuing existing arrangements for **access to, and contact between, parents and children or siblings.**
 14. For a person who is a **priest, minister** of religion or member of a religious order going to the person's place of worship or providing pastoral care to another person.
 15. **Avoiding injury or illness** or to escape a risk of harm.
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16. For **emergencies** or compassionate reasons.

Some common activities that are NOT classified as “reasonable excuses”

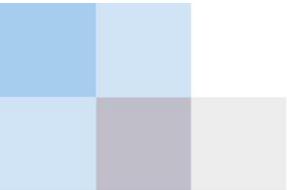
1. Attending work unless you cannot work from home.
2. Visiting friends and relatives and attending social engagements. Exceptions will be for weddings and funerals (restrictions apply) and looking after/caring for vulnerable people (eg delivering medication to an elderly relative).
3. Group exercise, team sports, use of playground equipment (exercise companions limited to 1 other person).
4. Public picnics, parties, social gatherings (man recently fined in Newcastle for eating a kebab on a park bench, alone).
5. Attending church/religious services in person.
6. Driving in your car with more than one other occupant unless they are members of your household.

Clarification of common “reasonable excuses”:

1. Obtaining food, goods/services for needs of the household and for vulnerable persons

Allowed:

- Grocery shopping and attending retail stores (alone or with 1 other person).
- Getting a haircut.
- Dropping the car off for a service, getting petrol.
- Picking up take away food.
- Taking an animal to the vet.
- Attending the post office and bank.
- Attending GP, specialists, hospital.
- Visiting your partner who lives in another household (Police Commissioner confirmed this was ok).



NOT allowed:

- Visiting friends, family, relatives if they do not live with you.
- Attending shops, services etc. with more than 1 other person.
- Public social gatherings including picnics, parties, sitting and reading in the park, public sunbaking etc.
- Drive a car with more than one occupant unless they are members of your household and travelling for the purpose of obtaining essential goods and services (e.g. a learner driver was fined \$1,600 in Victoria recently for undertaking a lesson with her family mother, presumably the same could apply in NSW).

2. Travelling for the purpose of work if the person cannot work from home

Allowed:

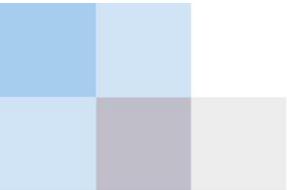
- Travelling to your workplace.
- Travelling for work (e.g. travelling to Court).
- Volunteering for a charitable organisation (e.g. working at Salvos).

NOT allowed:

- Sitting in a park or other public place to work.
- Picketing.
- Attending work if you are able to work from home unless it is necessary for your job (e.g. to attend Court).

Requires clarification:

- Job interviews?
- WFH refused by employer but is generally available?



3. Travelling for the purpose of attending childcare & travelling for attendance at school or education

Allowed:

- Travelling to or from childcare/school/educational facilities, with members of your household.

NOT allowed:

- Travelling to or from childcare with anyone else who is not a member of your household (public gatherings rule).
- Gather in public to study or learn (e.g. study groups, camps etc).

Requires clarification:

- Can you attend an educational facility to pick up materials to study from home? Presumably yes but not clear.
- Grandparents who care for children when both parents are working? Is this “childcare”?

4. Exercise

Allowed:

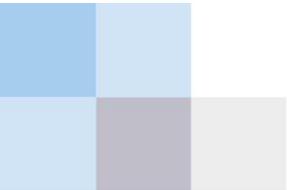
- Individual exercise, or exercising/training with one other person in public as long as social distancing rules apply.
- Attend a park with members of your household for exercise (e.g. a scooter ride around the park).
- Play golf with one other person so long as social distancing rules apply.

NOT allowed:

- Group exercise, team sport, boot camp etc.
- Meet up with someone in public for the sole purpose of socialising.
- Use of outdoor playgrounds and exercise equipment.

Requires clarification:

- Going for a surf alone? Fishing? Swimming in public ocean pools (if beach/pool



has not been closed by local Council)?

5. Obtaining medical care, health supplies or fulfilling carer responsibilities

Allowed:

- Visits to GP, doctors, specialists, chemist/pharmacy.
- Picking up medication for yourself or someone under your care.
- Taking one other person, or persons of your household to the doctor, hospital, pharmacy etc.

Requires clarification:

- What are “health supplies”? Alternative medicines?

6. Moving residence, inspecting a new place of residence

Allowed:

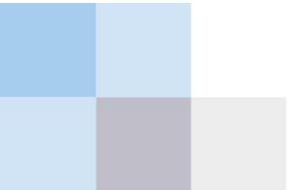
- Moving residence.
- Inspecting homes in person so long as social distancing rules apply.
- Engaging removalists and cleaners.
- Staying in temporary accommodation such as Air B&B, hotel etc for essential workers and carers (clarified by Minister for Better Regulation and Innovation on 6 April 2020).

NOT allowed:

- Holiday letting/rentals/Air B & B for taking a holiday/leisure travel.
- Staying in accommodation that is not your residence.
- Visiting friends/relatives unless you are moving to that residence.

Requires clarification:

- Residence definition? What if you have a caravan and spend time there on the weekends? Is that a residence? Stay at partner’s place on the weekends?



7. Providing care and assistance to vulnerable a person or providing emergency assistance

Allowed:

- Assisting elderly or disabled people to access medical services or essentials (e.g. groceries, medications).
- Helping elderly or disabled people with personal care, shopping, exercise, cleaning etc.

NOT allowed:

- Assisting people that are not vulnerable.

Requires clarification:

- Define vulnerable? Is it just aged and disabled or could it also be someone vulnerable to mental stress and breakdown?

8. Undertaking legal obligations

Allowed:

- Attending Court, police station, parole authority.
- Attending solicitor, JP, bank etc to fulfil a legal obligation (e.g. have signature witnessed, execute loan documents).
- Requires clarification: what is the extent of the “legal obligations”. E.g. attending RMS to register a vehicle? Can be done online but what about those not capable of doing it online?

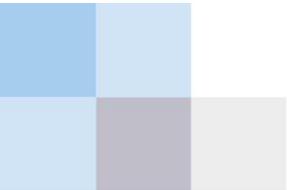
9. Accessing public services including social, domestic violence, mental health and employment services

Allowed:

- Attending Centrelink, domestic violence shelters and counselling services.

Requires clarification:

- Clarification on “public services”: does this include group therapy (such as AA) or similar types of services? What if those services provided online/telehealth etc?



10. Continuation of access arrangements for parents/siblings that do not live in the same household as their parents

Allowed:

- Dropping off and picking up children from another custodial parent.
- Providing access for non-custodial parents.

NOT allowed:

- Spending time in a public place with the other parent.

Requires clarification:

- Cross border arrangements?

11. Avoiding injury or illness or to escape a risk of harm

Allowed:

- Leaving your home in an emergency (e.g fire, flood, earthquake).
- Leaving your home to escape domestic violence.
- Leaving your home if a member of your household tests positive to COVID-19 and cannot self-isolate (e.g you live in a studio apartment).

Requires clarification:

- Leaving home whilst renovations in place to avoid being injured/asbestos etc?

12. Emergencies or compassionate reasons

Allowed:

- Leaving home if there is a fire, flood or other emergency.
- Leaving home to help someone who is seriously ill or have been involved in an accident or an emergency situation.
- Visiting a friend/relative who is suffering from a mental health emergency.

- Visiting a dying or terminally ill relative or friend.

Requires clarification:

- Compassionate reasons - how is this defined? Seems to cover a broad range of circumstances.

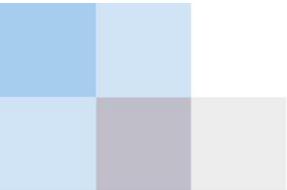


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