

Response - confusion with essential and non-essential healthcare

Tuesday 14th 10:43am

Dear Ms Yerondais,

Thank you for contacting NSW Government seeking clarification on how NSW is defining 'essential' healthcare. I have been asked to respond on behalf of NSW Health. I apologise for the delayed reply, we have received a significant number of enquiries.

From a New South Wales law perspective, the Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020

([https://www.legislation.nsw.gov.au/emergency/Public%20Health%20\(COVID-19%20Restrictions%20on%20Gathering%20and%20Movement\)%20Order%202020_as%20amended.pdf](https://www.legislation.nsw.gov.au/emergency/Public%20Health%20(COVID-19%20Restrictions%20on%20Gathering%20and%20Movement)%20Order%202020_as%20amended.pdf)), identifies those services and businesses that are required to shut down.

There is not a concept in any of the current NSW Public Health Orders of 'essential services' that must stay open ([at this stage](#)). It is open to services or businesses which are not directed to shut down to remain open. As you may be aware however, police are taking steps to ensure that people are complying with those Orders to protect the community and reduce the spread of COVID-19 infections.

Massage parlours have been directed to close under the Order, however no such order has been made in relation to massage therapy clinics. Services that are being provided under the headings of 'remedial massage' or 'myotherapy' are not prevented by the Ministerial Direction and the premises on which those services are provided are not ordered closed by the Ministerial Direction.

The Order directs that people are not to leave their residence without a reasonable excuse. Examples of a "reasonable excuse" (set out in the Order *in Schedule 1*) which would permit a person to lawfully leave their residence under the Order would include:

- Customers leaving their home for the purpose of obtaining medical care or fulfilling carer's responsibilities (e.g. a carer taking their ward to obtain medical care); or
- Workers (e.g. providing medical care) travelling for the purposes of work if such a worker cannot work from the person's residence.

The Order prohibits gatherings of more than two people but provides an exception to this prohibition where such a gathering is for the purposes of work.

Current advice by NSW Government is as follows:

- Unless services have been explicitly told to shut, they can continue to operate, provided they abide by restrictions in the public health orders, which include where relevant:
 - Minimum space requirements (e.g. 4 metre square per person)
 - Maximum persons for indoor/outdoor premises (100 or 500 people, respectively)
 - Permitted reasonable excuses as outlined in *Schedule 1*
 - Permitted essential gatherings as outlined in *Schedule 2*
- The space and maximum persons restrictions do not apply to a gathering at a '*hospital or other medical or health service facility that is necessary for the normal business of the facility*'. Health service facilities have not been further defined in the relevant Order.

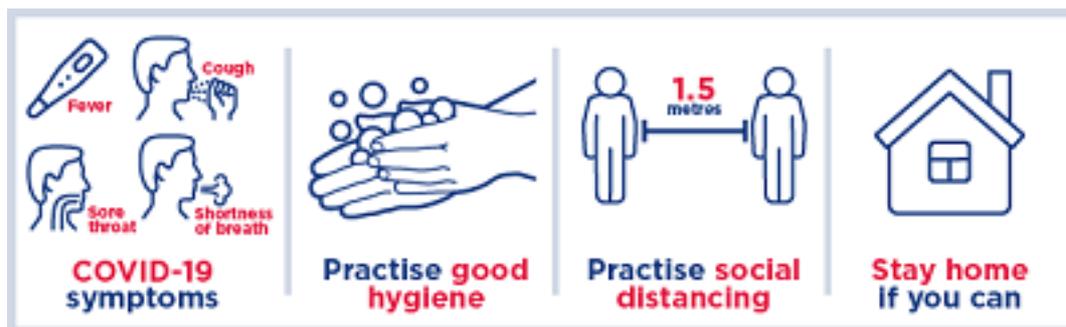
- NSW Health recommends all services that continue to operate implement measures to support social distancing (e.g. spacing staff out on the floor wherever possible at a minimum distance of 1.5 metres, enabling as many staff as possible for the safe running of the facility to work from home) and infection control procedures (e.g. ensuring hand sanitiser or hand washing facilities are freely available, increasing routine cleaning of surfaces including computers, door handles etc, having strict processes for ensuring unwell staff do not attend the workplace, displaying signage to remind employees of hand hygiene and cough etiquette including in indoor areas – resources are available via the NSW Health website).
- It would be prudent for services that require close interaction with clients, such as remedial massage services, to ensure providers implement processes to screen clients for symptoms or contact with a known case of COVID-19 prior to clients attending for services, if they choose to continue to operate.

We have noted your request and will take it into consideration when making future decisions.

Best wishes,

Medical Advisor | **Public Health Emergency Operations Centre**

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Visit the [NSW Health website](http://www.health.nsw.gov.au) for the latest information on COVID-19.

