

# COVID-19 & Movement Restrictions

*This factsheet is not legal advice. The legal information contained in this document is current as at 6 May 2020.*

From 31 March 2020, new laws are in force in New South Wales. These laws will expire on 29 June 2020 unless revoked earlier. These laws will temporarily restrict your movement and gatherings in public places.

## Penalties

If you breach these laws, you can be given an on-the-spot fine, by police, of \$1000 for an individual, or \$5000 for a corporation.

If the matter is dealt with by the court, you can be punished by:

- \$11,000 for an individual or six months imprisonment; or both;
- \$55,000 for a corporation.

## Leaving home

The new rules mean that you cannot leave home unless you have a “reasonable excuse” for doing so. A homeless person is not subject to the “leaving home” rules.

A reasonable excuse includes:

- Obtaining food, goods or services for the personal needs of the household (which includes pets) and for vulnerable persons;
- Providing care or assistance to a vulnerable person;
- Visiting another person’s residence to provide care or to the person while no more than one other visitor is present at the residence visited (effective 1 May 2020)
  - The number of visitors at the place of residence does not include someone lives in the residence visited, someone under the age of 18 years and is a child, or someone who has some other reasonable excuse other than to provide care or support to be at the visited residence
- Travelling to and from work, if you can’t work from home (work includes work done as a volunteer or for a charitable organisation);
- Exercising;
- Travelling to and from childcare;
- Travelling to and from an educational institution, if the learning cannot take place from your home;
- Obtaining medical supplies or fulfilling carers needs;
- Attending a wedding or funeral;
- Moving to a new residence (either home or work) or inspecting a potential new residence;
- Donating blood;

- Undertaking any legal obligations;
- Accessing public services, such as social services, employment services, domestic violence services, mental services;
- For children who do not live in the same home as their parents or siblings, for continuing existing arrangements for access to and visiting parents, siblings or children;
- Avoiding injury or illness or to escape risk of harm; and
- For emergencies or compassionate reasons.

The law is clear that taking a holiday in a regional area is not a reasonable excuse.

## Gatherings

The new rules also mean that you cannot participate in a “gathering” in a public place of more than 2 persons unless an exception applies. This means that you cannot be outside with more than one other person who is not a member of your household. For example, you cannot go for a walk with two other people who are not members of your household. The rules about gathering apply to homeless persons as well.

Remember that you are also not allowed to leave home without a “reasonable excuse”. Things that are not likely to be considered a “reasonable excuse” are social activities such as meeting up with a friend for a coffee or having a picnic with a friend, or a few beers and talking footy.

### What does household mean?

“Household” means people who live together in the same place of residence. This means that members of your family, who you do not live with, are not members of your “household”.

For example, John lives in Summer Hill. His parents live in Granville. John cannot go for a walk with both his parents. They are not members of the same “household”.

### Exceptions

You can participate in a gathering of more than 2 persons in certain circumstances. These include gatherings:

- For the purposes of work;
- Of persons all of whom are members of the same households;
- At a wedding of no more than 5 people;
- At a funeral of no more than 10 people;
- For the purposes of transportation, including in vehicles and at public transportation facilities;
- To move to a new place of residence (either home or work);
- To provide care or assistance to a vulnerable person;
- To provide emergency assistance;
- To fulfil a legal obligation (such as attending court or participating in legal proceedings).

- At an airport, hospital, correctional facility, medical facility, disability or aged care facility, courts or tribunals, supermarkets and retail stores, office buildings, schools, child care facilities, hotels & motels, farms, factories, warehouses, mining or construction sites and educational facilities (for the purposes of ordinary business);
- At an outdoor space for the purpose of transiting through the place (for example, at Pitt Street Mall).

## What to do if you are stopped by the police

If you are stopped by the police, you may be asked if you have a “reasonable excuse” for leaving home. If you are asked this, you should provide police with the reason you have left home, such as that you are on your way to work, or to get groceries. You must be truthful in the answer you give to police.

## Your rights in relation to police

If police are approaching you (and you are not driving), you can take out your phone, start recording and tell them: “I am using my phone to record this interaction.”

Your phone is a shield and recording your interactions is the safest way to stop things escalating. If the police try to stop you, remind them that the *NSW Police Force Media Policy* says that they cannot prevent you from recording, confiscate your phone, or delete what you have recorded.

If the police direct you to stop recording or hand over your phone, before you stop recording, say to the police: “I will cooperate, but can you please explain what legal basis you have to issue that direction?”

Be sure to lock your phone before giving it to the police, because they cannot direct you to unlock your phone without a warrant.

If a police officer suspects that you have breached these new laws, you must give your name and address to them if asked.

If you have received a fine or if you think the police have not used their powers appropriately, please call us for legal advice on 02 9137 6080.

## Examples

### Example 1

**Q:** Mohammed is taking a walk around his neighbourhood for exercise. Is he allowed to do this?

**A:** Yes. He has a reasonable excuse, being exercise, for leaving his home.

### Example 2

**Q:** Ahmed wants to go to a shopping centre to buy a new pair of shoes, some books and groceries. Is he allowed to go?

**A:** Yes. Buying a new pair of shoes is “obtaining goods”. Buying books is “obtaining goods”. Buying groceries is “obtaining food”. He therefore has a “reasonable excuse” for leaving home.

### Example 3

**Q:** Lauren rides a bicycle for exercise. Lauren rides from Tempe to Kurnell every Saturday morning. Is she allowed to do this?

**A:** Yes. Lauren is leaving her home for the purpose of exercise, which is a reasonable excuse. She can do this with one other person who is not a member of her household.

### Example 4

**Q:** Priya wants to get a takeaway coffee and muffin for breakfast from her local coffee shop. Is she allowed to?

**A:** Yes. Priya is obtaining food. She has a “reasonable excuse” for leaving home.

### Example 5

**Q:** John, Paul and Ringo are siblings. They need to provide assistance to their mother, who is 80 years old and unable to do tasks like cleaning, obtaining groceries and gardening. Are John, Paul and Ringo allowed to go together to the grocery store to buy items needed for their mother?

**A:** Yes. John, Paul and Ringo have a “reasonable excuse” for leaving home, which is to obtain groceries for a vulnerable person, their mother. They are allowed to go together, because they are going to a grocery store, which is a place that is exempted from the limit on gatherings of more than 2 people. If they need to go somewhere else in order to provide assistance to their mother, they are also allowed to, because gatherings of more than 2 people are allowed to provide “care and assistance to a vulnerable person”.

### Example 6

**Q:** Maria and Sammy live in Sydney. They have booked a motel in Batemans Bay for the Easter long weekend. Can they go?

**A:** No. Taking a holiday in a regional area is not a reasonable excuse for leaving home.

### Example 7

**Q:** Aaliyah is a volunteer at a Foodbank. Can she go to the Foodbank warehouse to volunteer?

**A:** Yes. Aaliyah has a reasonable excuse for leaving home, because “work” includes work done as a volunteer.

### Example 8

**Q:** Mei Ling, her 8 year-old daughter Nala and her neighbour Lily intend to visit a friend Jenny who is currently living in crisis accommodation. Are they allowed to?

**A:** Yes. Effective 1 May 2020, two adults and their dependent children can visit another household to provide care and support for the mental, physical or emotional health or well-being of another person.

### Example 9

**Q:** Mei Ling and Lily are visiting Jenny to provide care and support for the mental, physical or emotional health or well-being. While they are there, David shows up unexpectedly for a social visit. Are they breaking the new COVID-19 rules?

**A:** Yes. Mei Ling, Lily and David are adults visiting Jenny's household. Because there are more than three visitors at Jenny's home, all three will not have a 'reasonable excuse' for leaving home under the new rules.