

# NSW Government's Management of the COVID-19 Pandemic

[7 October 2020] Hearing

## QUESTIONS ON NOTICE

### QUESTION 1 – Page 59

**The Hon. JOHN GRAHAM:** Correct. And the way that seems to have rolled out, it goes direct to the heart of one of the hardest hit sectors, any sort of live performance. But if you are in a theatre it seems to have helped. But for any of the music venues that we heard from direct that are primary purpose music venues, it does not impact on them because they are in various classes of liquor licence that do not fall within that definition of "entertainment facility". Just to put that one to you, just for completeness, so "entertainment facility" under the public health order, a theatre, a cinema, a music hall, a concert hall, a dance hall and the like, but does not include a pub or registered club. And then the definition of pub picks up all of those other licensed premises. So that is the gap. It seems to leave a theatre able to operate at 50 per cent. Maybe they have people there for an hour, maybe they are seated, they are probably serving alcohol, they might be socially distanced and there is some sort of performance going on. These other venues would say they are doing the same thing.

**Mr BRAD HAZZARD:** You mean a pub or something—is that what you are saying?

**The Hon. JOHN GRAHAM:** A primary purpose music venue.

**Mr BRAD HAZZARD:** What do you mean by primary—

**The Hon. JOHN GRAHAM:** Places like the Oxford Art Factory is a good example. It is a—

**Mr BRAD HAZZARD:** It is basically a pub.

**The Hon. JOHN GRAHAM:** Yes, well, it is an on-premises licence. It is a theatre for public entertainment use under the licensing category. But they are not at all certain—in fact, we just heard from licensing they are probably not. They fall on the wrong side of that—

**Mr BRAD HAZZARD:** I want to do—and I think everybody wants to do—the best we can. There is no reason to be not doing the best we can for all of these various industries. There may well be intersections that you are highlighting that I am not aware of. I am happy to take it on notice if you would like and to look through that and take it back to the task force that is looking at it, because they are the ones who would be across the actual intersection and, knowing the law, there is every chance that that may well be the case. But if it is not working in the way we would intend it to work then I am more than happy to look at it.

**The Hon. JOHN GRAHAM:** I think it would certainly help. That is the spirit in which we are raising it.

**Mr BRAD HAZZARD:** I do not think I have. Maybe one of my staff have but I have not seen or heard from anybody on that particular intersection, so it interests me. I am happy to take it and afterwards if you want to show me what it is about I will happily raise it and pursue it.

### QUESTION 2 – page 61

**Dr CHANT:** And that is not because we have any problem with that other than from the COVID risk. We know that loud talking, singing, shouting and chanting can generate particles if you are an infectious person there. Obviously, the risk in all of these venues depends on your likelihood of having an infectious person there but notwithstanding those other behaviours then in the presence of an infectious person, we have very good evidence that those behaviours can potentially spread to more people in the right circumstances. I would be happy to provide advice to the Minister on the specific venues you are relaying in terms of how they meet that with the general public health principles why we were comforted by the increase in capacity in these venues.

### QUESTION 3 – Page 62

**Dr CHANT:** That is right but it particularly was intended to apply for those venues like theatres, cinemas and concert halls where clearly the nature of the interactions and the behaviours in those theatres did not have any other risk components to them. We felt that at this point in time and the level of community transmission we could do it. The venues you are describing are not a venue that we particularly had in mind. I am happy to provide advice to the Minister on the particular circumstances in those venues. I just indicated that the sorts of issues that we would have in mind would be the service of alcohol, the chances of actually keeping people in seats and the mingling, and the types of behaviours that might be hard to manage in those circumstances. They would all be factors that would take into account our advice about the public health risks. This was largely intended for theatres, cinemas and concert—

**Mr BRAD HAZZARD:** What I would say is that each of these orders that are made are generally made with a degree of urgency about trying to address current factors. The process is quite complex. It was a lot easier to start off with because I could literally hand draft the orders. They were good in those days weren't they? But since that time we now have a more complex process where we have Department of Premier and Cabinet [DPC] lawyers, parliamentary counsel, health lawyers, you name it they all have a two bobs worth. Reading that quickly now you have said that point, I have always read it in the context of what the public health officials have taught me. It is bigger venues, not smaller venues.

When I look at it, when you were chatting then I was just going back to see if there was a definition technically of an entertainment facility. No there is not. But there is a hospitality venue which includes pubs and bars and so on. One could therefore draw the conclusion that those are not included in entertainment facilities if one wanted to be technical. But I do not think this is not a High Court decision, this is about how to make it a practical decision to keep people safe. All I will say is, let's not get hung up on the technicalities of the words, that will be for someone, sometime in a superior court if someone gets charged with something. In the meantime, what we need to do is to see what the substance—

**The CHAIR:** The practical outcome.

**Mr BRAD HAZZARD:** —of what you and the Hon. John Graham are talking about and I think it is a valid point. Why don't you let us have a look at it maybe afterwards or drop me a line tomorrow with the details of the ones you think should be looked at?

### QUESTION 4 – Page 64

**Ms CATE FAEHRMANN:** Before COVID that was pretty nasty. I did want to turn to school bands because I am sure you are aware that members in this place are being lobbied by school music teachers and students themselves in bands about not being able to play with instruments. Has that changed?

**Dr CHANT:** Yes.

**Ms CATE FAEHRMANN:** Has it?

**Dr CHANT:** Yes. There was updated advice.

**Mr BRAD HAZZARD:** It was about a month ago, wasn't it?

**Dr CHANT:** We were dealing with a situation where we had higher rates of transmission in the community and we were seeing a lot of schools impacted by that. Given the disruption to the schools we took a cautionary approach, particularly given that we wanted to preserve our year 12 students from having to be isolated. So we suggested a range of restrictions at that time with the purpose of minimising the risk of introduction into the school and then also minimising the crossover and mixing within the class because, potentially, if you have got someone who might be playing with year 9 with year 12 and they are in a band, you can then get a broader group of people, potentially, impacted in terms of contacts of cases and the impact on year 12. Prior to the school holidays, we announced that those restrictions were eased and provided updated advice to Education which permitted the resumption of a lot of activities, including school camps with risk assessment and COVID-safe plans, and resumption of music activities and other things. We can provide the correspondence that underpins that, if that would be useful to the Committee.

**Ms CATE FAEHRMANN:** Thank you. Does that include the playing of wind instruments in school?

**Dr CHANT:** Yes.

**ANSWERS:**

**Question 1 – Question 3**

The public health context, including evidence of the risks of COVID-19 transmission in different settings both internationally and locally, is continually assessed to inform the capacity limits and types of restrictions recommended for different venues and events.

Options to allow live music in hospitality venues in a way that is COVID-safe and more aligned with the capacity restrictions for entertainment facilities are currently being considered.

**Question 4**

Updated advice was provided by the Chief Health Officer on 24 September 2020 to NSW schools and community sports organisations. Please refer to Appendix A.

A handwritten signature in blue ink, appearing to read 'Brad Hazzard', is positioned above the printed name and title.

**The Hon Brad Hazzard MP**  
Minister for Health and Medical Research

## **MINIMISING RISK OF COVID-19 TRANSMISSION: UPDATED ADVICE FOR NSW SCHOOL COMMUNITIES AND COMMUNITY SPORTS ORGANISATIONS**

24 September 2020

I write to thank the NSW school and community sports communities for their considerable support in managing the risks of COVID-19 transmission following my advice of 14 August. This has helped protect the community and minimise impacts on students preparing for their HSC exams.

Schools should continue to exclude students and staff with even mild symptoms of COVID-19 and encourage them to seek testing immediately. Parents of symptomatic children will still need to provide evidence of a negative test result on their child's return to school.

In the case of seasonal allergic rhinitis or other condition that presents similarly to COVID-19 and in the presence of continuing symptoms, the child will need a negative COVID-19 test result and a letter from their GP confirming that the child should be permitted to return to school. If the child's symptoms change from their usual symptoms, repeat COVID-19 testing should be performed.

Non-essential adults should continue to be excluded from school unless involved directly in delivery of curriculum activities or health services. All teachers, coaches and volunteers should continue to ensure they maintain physical distancing during, before and after school or sporting activities. Good hand hygiene practices should continue to be supported along with the other measures outlined in the school and community sports COVID-19 Safety Plan.

Given the current level of community transmission of COVID-19 in NSW, I am pleased to advise the following changes to NSW Health advice for schools (and preschools run by schools) and community sports organisations, which may take effect from Saturday 26 September:

### **School and community sports activities**

From Saturday 26 September, interregional community sporting competitions may recommence without restricting these activities to regions or zones, where there is a COVID-19 Safety Plan for the school or community sport activity in place. More than one parent may now attend community sporting activities if physical distancing of at least 1.5 metres can be maintained between people that are not from the same household. Ensure strict compliance with all other elements of the COVID-19 Safety Plan. Non-essential adults should continue to be excluded from sporting activities held during the normal school day.

School and community sports organisations and participants should continue to avoid shared travel arrangements such as car pooling, and to minimise gatherings before and after the event.

### **Group singing and musical groups**

Group singing and chanting remains a high-risk activity for transmission should someone involved be infected. In order to mitigate this risk, a small group of up to 5 people may sing together in one area if all singers face forwards and not towards each other, have physical distancing of 1.5 metres between each other and any other performers, and 5 metres distancing from all other people in front including the audience and conductor. Group singing of up to 5 people should only take place in a large, well-ventilated (preferably outdoor) setting.

In primary school and preschool settings, in-class educational activities such as group repetition, chanting, recitation or singing may occur, provided this takes place outdoors or in a well-ventilated indoor environment. Teachers must maintain 1.5m physical distancing for these in-class educational activities. This activity is permitted due to the importance of these activities in children's education and development, and the lower transmission risk between primary students.

Musical instrument ensembles may continue. Players of non-reeded woodwind instruments (such as flutes and recorders) should maintain a physical distance of 3 metres from others in the direction of air flow from their instruments, and 1.5m in all other directions. Players of all other musical instruments (including reeded woodwind instruments) should maintain a physical distance of 1.5m between each other and the audience / conductor. Ensembles and other musical groups should rehearse and perform outdoors or in large, well-ventilated indoor spaces.

### **School related social events**

Schools may proceed with planning graduation ceremonies and school formals. These events may be held any time in Term 4 for primary schools, but secondary schools should schedule these events for November 12 onwards to minimise the potential impact on HSC exams. Schools should use the COVID-19 Safety Plan guidance for graduation ceremonies and formals to plan these events including limiting the number of family members or friends attending, such as to parents only. NSW Health recommends that other school related social events such as dinners, fundraisers, fetes and BBQs that involve parents and other adults should not proceed in Term 4.

### **Staff professional development activities**

Professional development for staff should not be conducted face-to-face unless absolutely necessary. Staff gatherings should be minimised and, where they must occur, limited to the minimum number of people required to achieve educational outcomes. Staff should also be required to maintain social distancing at all times, including in tea rooms and staff rooms.

### **Overnight activities**

COVID-19 is transmitted easily in household-like settings. Overnight accommodation settings where facilities are shared by people from different households and children require additional adult supervision and interaction, such as camps, may have an increased risk of COVID-19 transmission should someone attending be infected.

As the COVID-19 situation can change quickly, schools, facilities and overnight event organisers should:

- consider the level of community transmission in the local community just before the overnight event is to be held, along with the other risks associated with the event as part of a risk assessment process
- pay particular attention to excluding anyone with symptoms before the event, and
- consider arrangements for isolating and testing anyone who develops symptoms during the event.

The risk of transmission is likely to be lower in primary school children. The risk of disruption of HSC exams may be higher if these events are held for secondary school students and one of these students or staff members becomes infected.

Overnight activities may take place so long as accommodation facilities and overnight event organisers develop and implement a COVID-19 Safety Plan and event organisers consider the issues above. COVID-19 Safety Plan guidance is available from the NSW Government website for caravan parks and camping grounds, and for hotels and accommodation facilities.

### **September-October school holiday activities**

There is currently no restriction on travel within NSW for people who live in NSW, however people who become unwell should cancel or defer their plans to travel until a negative COVID-19 test is obtained. Take care whilst travelling to maintain physical distancing wherever practical, use masks where physical distancing cannot be maintained or in crowded or poorly ventilated settings, and regularly practice good hand hygiene. Avoid shared travel arrangements such as car pooling. Take extra care if you're around vulnerable people. Outdoor settings generally present a lower risk of transmission than indoor settings, so try to arrange for school holiday gatherings to take place outdoors as much as possible and remember that outdoor gatherings are still limited to 20 people (apart from community sport activities with a COVID-19 Safety Plan).

These updated measures will assist us to achieve the NSW Government's aim to achieve no community transmission in NSW. NSW Health will regularly review and update this advice if the COVID-19 situation changes. I thank you and your communities for your support and ongoing attention to providing a COVID safe environment for all children, students and staff.

Please refer to the NSW Department of Education, NSW Health or [nsw.gov.au](http://nsw.gov.au) websites for further information.

Yours sincerely



Dr Kerry Chant  
Chief Health Officer  
NSW Ministry of Health

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