

09 December 2021

To: Sandra Kirby, Chief Executive Officer, Physiotherapy New Zealand
Richard Beddie, Chief Executive Officer, Exercise Association of New Zealand
Damon Newrick, Professional Advisor, Physiotherapy Board of New Zealand

Sent via email: martin.chadwick@health.govt.nz

Kia ora koutou

Clarification of the COVID-19 Protection Framework Order clause 33

I understand that your members have been working to operationalise the COVID-19 Protection Framework as it relates to your respective industry. You have asked for advice on how to ensure access to physiotherapy or other health services where the accessway is via the gym space, as this is a common arrangement in this sector (specifically the interpretation of clauses 30-33 which relate to COVID-19 vaccination certificate entry requirements (CVC)).

Thank you for raising this issue with me, working collaboratively across industry and government agencies to find a solution that all parties are comfortable with that meets legal requirements under the Order.

To summarise, I met with colleagues at the Department of Prime Minister and Cabinet (DPMC) and Ministry of Business, Innovation and Employment (MBIE) to better understand the intent of the clauses and (if any) which clause overrides in situations where the clauses give contradictory effect.

The advice agreed by all those in attendance at today's meeting and supported by both legal teams at the Ministry of Health and DPMC is as follows:

- Clause 33 would 'override' clause 29 and 30 to allow access to a designated premise through somewhere that is otherwise requiring CVCs to operate (and that allowing this access wouldn't affect the other premise's CVC status).
- There should be reasonable systems and processes in place to ensure that it is **only** the designated premise being accessed.

As discussed at our meeting, and with MBIE and DPMC, 'a reasonable system and process' for physiotherapists who work from clinics co-located within gym facilities requiring CVC is:

- **all** physiotherapy clients are to be greeted at the gym entry (i.e the lobby/reception), with appropriate infection prevention control precautions in place (i.e both client and staff members wearing face coverings).

- If clients need to access shared facilities within the premise (such as bathrooms), a physiotherapy staff member will be required to escort the client.
- At the conclusion of the client accessing the health service, the client will also be escorted through the facility by a staff member.

Again, thank you for working closely and collaboratively to ensure that gyms and health services can operate effectively.

Ngā mihi aroha



Martin Chadwick
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