

Australian Capital Territory

# Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020 (No 2)

Notifiable Instrument NI2020–178

made under the

**Public Health Act 1997, s 120 (Emergency actions and directions)**

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## 1. Name of instrument

This instrument is the *Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020 (No 2)*.

## 2. Commencement

This instrument commences and is taken to commence at 11.59pm on 25 March 2020.

## 3. Public Health Emergency Direction

I, Dr Kerryn Coleman, Chief Health Officer, consider it necessary or desirable to alleviate the emergency declared under the *Public Health (Emergency) Declaration 2020 (No 1)* [NI2020-153] (the **declared emergency**) on 16 March 2020, to give the directions as set out below.

## 4. Duration

This direction is in force until 11.59pm on 13 April 2020, unless it is earlier revoked.

## 5. Revocation

This direction revokes, replaces and extends the *Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020* [NI2020-169].

Dr Kerryn Coleman  
Chief Health Officer

25 March 2020

# Public Health Emergency Direction

## *Public Health Act 1997*

*Made under the Public Health Act 1997,  
section 120 (Emergency actions and directions)*

I, Dr Kerryn Coleman, Chief Health Officer, consider it necessary or desirable to alleviate the emergency declared under the *Public Health (Emergency) Declaration 2020 (No 1)* [NI2020-153] (the **declared emergency**) on 16 March 2020, to give the directions as set out below.

## PART 1 — CLOSURE OF NON-ESSENTIAL BUSINESS OR UNDERTAKING

The purpose of this direction is to prohibit the operation of non-essential businesses and undertakings in order to limit the spread of coronavirus disease 2019 (**COVID-19**), caused by the novel coronavirus SARS-CoV-2.

### **Directions**

1. From 11.59pm on 25 March 2020 until 11.59pm on 13 April 2020, a **person** who owns, controls or operates a **non-essential business or undertaking** in the Australian Capital Territory must not operate that business or undertaking.

### **Definition of a non-essential business or undertaking**

For the purposes of these directions:

2. **A non-essential business or undertaking** means any of the following, whether operated on a for-profit or not-for-profit basis or purely as a private social gathering:
  - a. a business that supplies liquor for consumption ON the premises but not including any part of the business that sells liquor for consumption OFF the premises as defined by the *Liquor Act 2010*;
  - b. a hotel, whether licensed or unlicensed, but not:
    - i. to the extent that it provides accommodation, takeaway meals or a meal delivery service; or
    - ii. any part of the hotel constituted by a bottleshop;
  - c. a gym;

- d. an indoor sporting centre;
- e. a health club or fitness centre;
- f. a centre that provides yoga, barre or spin facilities;
- g. a sauna, bathhouse or wellness centre;
- h. a boot camp or personal trainer, but not:
  - i. to the extent that it provides outdoor events for groups of no more than 10 people and where social distancing of 1 person per 4 square metres is observed.
- i. a social sporting-based activity, but not:
  - i. to the extent that it involves outdoor events for groups of no more than 10 people and where social distancing of 1 person per 4 square metres is observed.
- j. a swimming pool, but not:
  - i. to the extent that it is used for therapeutic purposes in a hospital.
- k. a gathering of 10 or more persons at a private residence, but not:
  - i. where 10 or more persons ordinarily reside at the residence and where social distancing of 1 person per 4 square metres is observed; or
  - ii. to the extent that the direct family members of the persons who ordinarily reside at the residence attend the residence and where social distancing of 1 person per 4 square metres is observed.
- l. a gallery, museum, national institution or historic site;
- m. a library;
- n. a gaming or gambling venue;
- o. a **casino**;
- p. a cinema, nightclub or entertainment venue of any kind;
- q. a restaurant or café, other than to the extent that it provides takeaway meals or a meal delivery service, but not:
  - i. a café or canteen at a hospital;
  - ii. a café or canteen at a residential aged care facility;
  - iii. a café or canteen at a school;
  - iv. a café or canteen at a correctional centre;
  - v. a military café or canteen; or
  - vi. a café or canteen that provides food or drink to the homeless.
- r. a community centre or facility or a youth centre or facility but not:
  - i. to the extent that the centre or facility hosts essential voluntary or public services, such as food banks or services for the homeless; or
  - ii. to the extent that the centre or facility hosts essential services for vulnerable children and families, or for young people at risk of homelessness or engagement with the youth justice system.



- s. a hairdresser or barber shop but not:
    - i. to the extent that it provides services of no more than 30 minutes duration and where social distancing of 1 person per 4 square metres is observed.
  - t. a nail salon;
  - u. a tattoo parlour;
  - v. a centre that provides beauty therapy, tanning or waxing services;
  - w. a spa or massage parlour;
  - x. a strip club, brothel or an escort agency;
  - y. a concert venue, theatre, arena, auditorium or stadium but not:
    - i. to the extent that it provides live streaming of a performance by a group of persons sufficiently small to enable social distancing of 1 person per 4 square metres to be observed.
  - z. an amusement park or arcade;
  - aa. an outdoor or indoor play centre;
  - bb. a food court but not:
    - i. to the extent that it provides takeaway meals or a meal delivery service;
  - cc. an auction house;
  - dd. a real estate auction or an open house inspection but not:
    - i. to the extent that it provides private appointments for inspection;
  - ee. a **place of worship**, other than for the purposes of a **wedding** or **funeral**.
3. The Chief Health Officer may, in writing, exempt a residence from the application of paragraph 2(k).

#### Other definitions

- 4. **Casino** has the same meaning as in the *Casino Control Act 2006*.
- 5. **Place of worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.
- 6. **Wedding** means a wedding attended by no more than 5 people (including the celebrant) where social distancing of 1 person per 4 square metres is observed.
- 4. **Funeral** means a funeral attended by no more than 10 people where social distancing of 1 person per 4 square metres is observed.

**Note:** All businesses or undertakings that continue to operate must comply with the **Public Health (Indoor gatherings) Emergency Direction 2020** [NI2020 -162]. Those directions limit indoor gatherings of one hundred (100) or more persons in a single undivided indoor space at the same time.

#### PENALTIES

Section 120 (3) of the *Public Health Act 1997* provides:

A person must not, without reasonable excuse, fail to comply with a direction under this section.

**Maximum Penalty:**

In the case of a natural person, \$8,000 (50 penalty units).

In the case of a body corporate, \$40,500 (50 penalty units).

In the case of a utility that is a body corporate, \$1,620,000 (2000 penalty units).

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**Dr Kerryn Coleman**

Chief Health Officer

25 March 2020

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