

Australian Capital Territory

Public Health (Indoor gatherings) Emergency Direction 2020

Notifiable Instrument NI2020–162

made under the

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

1. Name of instrument

This instrument is the *Public Health (Indoor gatherings) Emergency Direction 2020*.

2. Commencement

This instrument commences at 5.00pm on 19 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 in the schedule.

4. Duration

This direction is in force for the period ending on the day the declared emergency (as extended or further extended) ends, unless it is earlier revoked.

Dr Kerryn Coleman
Chief Health Officer

19 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 reasonably necessary in order to protect public health and alleviate the public health emergency declared on 16 March 2020 to give the following directions pursuant to s120 of the *Public Health Act 1997* (ACT):

PART 1 —INDOOR GATHERINGS OF GREATER THAN 100 PEOPLE

The purpose of this Part is to prohibit non-essential indoor gatherings of greater than 100 people.

Directions

1. From 5.00pm on 19 March 2020 until the conclusion of the declared public health emergency a person who owns, controls or operates **premises** in the Australian Capital Territory must not allow an **indoor gathering of greater than 100 people** to occur on the premises.
2. From 5.00pm on 19 March 2020 until the conclusion of the declared public health emergency a person must not organise an **indoor gathering of greater than 100 people** on premises in the Australian Capital Territory.

Definitions

For the purposes of the directions in paragraphs 1, 2 and 3:

3. **Premises** has the same meaning as the *Public Health Act 1997*.
4. An **indoor gathering** is any gathering of one hundred (100) or more persons in a single undivided indoor space at the same time, but does **not** include a gathering:
 - a) at an airport that is necessary for the normal business of the airport;
 - b) for the purposes of or related to public transportation, including in vehicles or at public transportation facilities such as stations, platforms and stops;
 - c) at a medical or health service facility that is necessary for the normal business of the facilities;



- d) for the purposes of emergency services;
 - e) at a disability or aged care facility that is necessary for the normal business of the facility;
 - f) at a correctional centre, place of detention under the Children and Young People Act 2008 or other place of custody;
 - g) at a court or tribunal;
 - h) at the Legislative Assembly or Commonwealth Parliament for the purpose of normal operations;
 - i) at a food market, supermarket, grocery store, retail store, shopping centre that is necessary for the normal business of those premises;
 - j) at an office building, factory or construction site that is necessary for the normal operation of those premises;
 - k) at a school, university, educational institution or childcare facility that is necessary for the normal business of the facility;
 - l) at a hotel or motel that is necessary for the normal operation of accommodation services; or
 - m) that is specified as exempt from this direction by the Chief Health Officer in writing or delivered by a person who has a social distancing policy approved in writing by the Chief Health Officer.
5. For the purposes of paragraph 4(k), a school event that involves members of the community in addition to staff and students is deemed not necessary for the normal business of the facility.

Note: the exclusions identified in paragraph 5 will be reviewed on a day to day basis and further directions are expected to be issued to remove some of the current exclusions.



PART 2 —INDOOR GATHERINGS OF 100 PEOPLE OR LESS

- 6. For indoor gatherings of 100 people or less, risk mitigation guidance is provided at Attachment A to this Direction.

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 Kerry Coleman

Chief Health Officer

March 2020

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ATTACHMENT A

Risk Mitigation Guidance

It is suggested that the following risk mitigations measures be applied to indoor gatherings of 100 people or less:

- In a given occupied space, there be a density of no more than one person per four square metres of floor space.
- Hand hygiene products and suitable waste receptacles should be available, to allow for frequent cleaning and waste disposal.
- The recommendations for unwell individuals to isolate at home and not attend published by the Commonwealth Department of Health recommendations should be promoted and displayed prominently so that they can be seen and read easily by a person at or near an entrance to the indoor area.
- For settings where there is ongoing movement and an increased number of interactions between individuals, an individual's attendance should be less than two hours duration.
- For settings that are primarily static such as theatres, restaurants, cinemas, sporting events, an individual's attendance should be limited to four hours duration.

Examples of the risk mitigation measures include:

- Cinemas and theatres could implement decreased density of patrons, which could include alternate seating, staggered seating and alternate rows, except for family groups who may be seated together.
- Seated restaurants could undertake a significant capacity reduction.
- Weddings and funerals may need larger spaces, staggered attendance or a reduced number of attendees.
- A symphony orchestra or choir may need to consider the measures mentioned above and amend practices.