

# Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020

## Notifiable Instrument NI2020–169

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*.

### 2. Commencement

This instrument commences and is taken to commence at 11.59pm on 23 March 2020.

### 3. Public Health Emergency Direction

I, Dr Kerry 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 until 11.59pm on 13 April 2020, unless it is earlier revoked.

Dr Kerry Coleman  
Chief Health Officer

23 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 in the schedule.

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

The purpose of this direction is to prohibit the operation of non-essential business and undertakings in order to limit the spread of Novel Coronavirus 2019 (2019-nCoV).

### **Directions**

1. From 11.59pm on 23 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 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 non-for-profit basis:
  - a. a business that supplies liquor for consumption ON the premises but not including any part of the business that sell 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 **casino**;
  - f. a cinema, nightclub or entertainment venue of any kind;



- g. a restaurant or café, other than to the extent that it provides takeaway meals or a meal delivery service;
  - h. a place of worship, other than for the purposes of a wedding or funeral.
3. The Minister may grant an exemption to this direction in writing and subject to the conditions that the Minister considers appropriate.

#### Other definitions

- 4. **Casino** has the same meaning as in the *Casino Control Act 2006*.
- 5. **Place of worship** means 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.

**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 Kerry Coleman**

Chief Health Officer

March 2020

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