

Australian Capital Territory

Public Health (Non-Essential Gatherings) Emergency Direction 2020 (No 3)

Notifiable Instrument NI2020–268

made under the

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

1. Name of instrument

This instrument is the *Public Health (Non-Essential Gatherings) Emergency Direction 2020 (No 3)*.

2. Commencement

This instrument is taken to have commenced at 11.59pm on 8 May 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 for the period ending on the day the declared emergency (as extended or further extended) ends, unless it is earlier revoked.

5. Revocation

This direction revokes and replaces the *Public Health (Non-Essential Gatherings) Emergency Direction 2020 (No 2)* [NI2020-255].

Dr Kerry Coleman
Chief Health Officer
9 May 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.

NON-ESSENTIAL GATHERINGS

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

Directions

A. Residential premises

1. From 11.59 pm on 8 May 2020:
 - a. an occupier of residential premises must not permit more than 10 persons to enter and remain in the premises, unless those persons are ordinarily resident at the premises;
 - b. an occupier of residential premises must not permit a person not ordinarily resident at the premises to enter and remain in the premises unless social distancing of 1 person per 4 square metres can be observed;
 - c. an occupier of residential premises must not permit a person not ordinarily resident at the premises to enter or remain in the premises if:
 - i. including persons ordinarily resident at the premises, there are 10 or more persons present in the premises; or
 - ii. social distancing of 1 person per 4 square metres cannot be observed; and
 - d. a person not ordinarily resident at residential premises must not enter or remain in the premises if:
 - i. including persons ordinarily resident at the premises, there are 10 or more persons present in the premises; or
 - ii. social distancing of 1 person per 4 square metres cannot be observed.
2. Direction A1 does not apply in circumstances where it is necessary for a person to enter and remain in residential premises:
 - a. for the purposes of the provision of medical care and/or medical supplies;
 - b. for the purposes of law enforcement or the provision of emergency services;



- c. in any other emergency situation;
 - d. for the purposes of providing necessary care or support; or
 - e. for the purposes of carrying out urgent or essential repairs to the premises.
3. Direction A1 does not apply where persons from no more than two **households** attend, enter and remain in the residential premises of one of those households, provided all persons at the premises can observe social distancing of 1 person per 4 square metres.

B. Outdoor areas

4. From 11.59 pm on 8 May 2020:
- a. a person must not organise or attend a **gathering** of more than 10 people in an **outdoor space** unless:
 - i. the attendees are from the same **household**; or
 - ii. the attendees are from no more than two **households**; or
 - iii. for the purposes of a bootcamp, personal training, a real estate auction, display home or open house inspection held in compliance with the *Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020 (No 6) (NI2020-267)*; or
 - iv. for the purposes of a **wedding, funeral or religious ceremony** held in compliance with the *Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020 (No 6) (NI2020-267)*.

C. Other premises

5. From 11.59 pm on 8 May 2020, a person:
- a. who owns, controls or operates **premises** in the Australian Capital Territory must take reasonable steps to not allow a **gathering** to occur on **premises**;
 - b. must not organise a **gathering** on **premises** in the Australian Capital Territory; and
 - c. must not attend a **gathering** on **premises** in the Australian Capital Territory.
6. A group of people occupying a single **indoor space** at the same time, unless excluded from the definition of **gathering**, must observe social distancing of 1 person per 4 square metres.

D. Enforcement

7. If a person fails to comply with this direction, an **authorised person** may then direct the person to do such things as are reasonably necessary to comply with this direction including, upon request, to produce proof of identification to the authorised person.
8. If a person fails to comply with any direction given under paragraph 7, then the **authorised person** may take all reasonable steps to enforce compliance with the direction.



E. Exemption

9. The Chief Health Officer may, in writing and subject to any conditions that the Chief Health Officer considers necessary, exempt a person from this direction on compassionate grounds, or any other grounds.

F. Guidance

10. Risk mitigation guidance is provided at **Attachment A** to this Direction. This guidance relates to all situations in which people are gathered together, whether included or excluded from the definition of **gathering**.

Definitions

For the purposes of these directions:

11. A **household** means persons who ordinarily reside at the same residential premises.
12. An **indoor space** means an area, room or premises that is, or are, substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of them are:
 - a. permanent or temporary; or
 - b. open or closed.
13. An **outdoor space** means a space that is not an indoor space or a part of residential premises.
14. **Premises** has the same extended meaning as in the *Public Health Act 1997*, but does not include residential premises.
15. A **gathering** means a group of more than 10 persons occupying a single indoor or outdoor 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. for the purposes of or related to private transportation, but only where the persons occupying the space are from the same **household**;
 - d. at a medical or health service facility that is necessary for the normal business of the facilities;
 - e. for the purposes of or related to providing support or care to a person with a disability;
 - f. for the purposes of emergency services;
 - g. for the purposes of law enforcement;
 - h. at a disability or aged care facility that is necessary for the normal business of the facility;
 - i. at a correctional centre, place of detention under the Children and Young People Act 2008 or other place of custody;

- j. at a court or tribunal;
- k. at the Legislative Assembly or Commonwealth Parliament for the purpose of its normal operations;
- l. at a food market, supermarket, grocery store, retail store, shopping centre that is necessary for the normal business of those premises;
- m. for the purposes of attending at, or operating, a restaurant or café to collect or deliver takeaway meals and beverages and where social distancing of 1 person per 4 square metres is observed;
- n. at an office building, workplace factory or construction site (or any other workplace that is not excluded from operation by the *Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020 (No 6)* (NI2020-267), that is necessary for the normal operation of those premises;
- o. at a school, university, educational institution or childcare facility that is necessary for the normal business of the facility;
- p. at a hotel or motel that is necessary for the normal operation of accommodation services;
- q. at a place where more than 10 persons may be present for the purposes of transiting through the place; or
- r. at a veterinary clinic or a place where animals are kept where more than 10 persons are required to provide treatment or care for an animal or animals.

16. For the purposes of paragraph 15(o), a school event that involves members of the community in addition to staff and students is not necessary for the normal business of the facility.

Note:

1. All businesses or undertakings that continue to operate must comply with the *Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020 (No 6)* (NI2020-267).
2. If there is any inconsistency between this Direction and any of the Directions specified below, those Directions are inoperative to the extent of any inconsistency:
 - a. the *Public Health (Self-Isolation) Emergency Direction 2020* (NI2020-177);
 - b. the *Public Health (Returned Travellers) Emergency Direction 2020* (NI2020-164);
 - and
 - c. the *Public Health (Returned Travellers) Emergency Direction 2020 (No 4)* (NI2020-269).

PENALTIES

Section 120 (4) 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

9 May 2020

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ATTACHMENT A

Risk Mitigation Guidance

It is suggested that, as far as practicable, the following risk mitigation measures be applied to all situations in which people are gathered together:

- 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 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 people (for example food markets) and an individual's attendance is not in the course of their employment at the place, an individual's attendance should be less than two hours duration;
- Wherever possible, physical contact should be avoided; and
- Where activities involve the use of equipment, that equipment should be regularly cleaned and, where practicable, not be shared by persons other than members of the same household.