CHRISTMAS ISLAND AND COCOS (KEELING) ISLANDS (CORONAVIRUS EMERGENCY—PROHIBITED GATHERINGS DIRECTIONS)

Public Health Act 2016 (WA)(CI)
Public Health Act 2016 (WA)(CKI)

I, Natasha Griggs, Administrator of the Territories of Christmas Island and Cocos (Keeling) Islands, am an authorised officer under section 152 of the Public Health Act 2016 (WA)(CI) and Public Health Act 2016 (WA)(CKI) (the Acts), having been authorised by the Assistant Minister for Regional Development and Territories (the Minister) to exercise the ‘serious public health incident powers’ set out in Part 11 of that Act, in relation to a ‘serious public health risk’ to which the authorisation relates.

The authorisation given by the Minister relates to the public health risk from COVID-19, a human coronavirus which has been declared a worldwide pandemic by the World Health Organisation on 11 March 2020. The authorisation is in force for as long as a state of emergency continues to exist under either the Christmas Island Emergency Management Ordinance 2012 or the Cocos (Keeling) Islands Emergency Management Ordinance 2012 (ie at present until 17 April 2020).

The ‘serious public health incident powers’ which I am authorised to exercise in these circumstances include a power to direct another person to take any action that I consider is reasonably necessary to prevent, control or abate the serious public health risk (see paragraph 157(1)(k) of the Acts).

In light of the ongoing spread of COVID-19 in Australia, I consider it reasonably necessary to give the following directions to all persons in the Territory of Christmas Island and the Territory of Cocos (Keeling) Islands to prevent, control or abate the serious public health risk presented by COVID-19.

Therefore, I MAKE, under paragraph 157(1)(k) of the Acts, the DIRECTIONS set out in Schedule 1.

The directions prevail, to the extent of any inconsistency, over any previous direction given under section 157 of the Acts.
The directions come into force when this instrument is made, and remain in force as long as a state of emergency continues to exist under either the Christmas Island Emergency Management Ordinance 2012 or the Cocos (Keeling) Islands Emergency Management Ordinance 2012.

Failure to comply with the directions set out in Schedule 1, without reasonable excuse, constitutes an offence for which significant monetary penalties may apply.

Dated 1 April 2020

Natasha Griggs
Administrator Christmas & Cocos (Keeling) Islands
SCHEDULE 1 – DIRECTIONS

1. Definitions

In this instrument:

\textit{household} means two or more persons who usually reside at the same place, irrespective of whether those persons are related to each other.

\textbf{Example 1:} Four students who share a house are members of the same household, even though they are not related to each other.

\textbf{Example 2:} Seven members of a family who live in the same house are members of the same household even though more than 2 generations live in that house (such as grandparents, parents and children).

\textbf{Example 3:} Three members of a family who live in the same house with a boarder who usually resides there are members of the same households, even though only some of them are related to each other.

\textbf{Example 4:} A child who usually moves between the child’s father’s home and the child’s mother’s home on a week-about basis is part of the father’s household when the child is living with the father and is part of the mother’s household when the child is living with the mother.

\textit{indoor space} means an area, room or premises that is or are substantially enclosed by a roof and walls, regarding of whether the roof or walls or any part of them are permanent or temporary, or open or closed.

\textit{outdoor space} means a space that is not an indoor space.

\textit{premises} has the same meaning as in subsection 4(1) of the Acts.

\textit{public place} means premises that are open to the public, or are used by the public, whether or not for payment of money or other consideration, whether or not the place is ordinarily so open or used and whether or not the public to whom it is open consists only of a limited class of persons.

\textit{Territory} means the following:

(a) the Territory of Christmas Island;

(b) the Territory of Cocos (Keeling) Islands.

2. Directions

(1) A person who owns, controls or operates premises in a Territory must not allow a prohibited gathering to occur on the premises.

(2) A person must not organise a prohibited gathering on premises in a Territory.
(3) A person must not attend a prohibited gathering on premises in a Territory.

3. **What is a prohibited gathering?**

   (1) In this instrument, a *prohibited gathering* means:

   (a) a gathering of more than 2 persons in a single undivided indoor space or a single undivided outdoor space that is a public place at the same time; or

   (b) a gathering of 2 or more persons in a single undivided indoor space or a single undivided outdoor space at the same time, where there is not at least 4 square metres of space for each person at the gathering.

**Gatherings that are not prohibited gatherings**

   (2) However, the following gatherings of more than 2 persons are not prohibited gatherings:

   (a) a gathering at an airport that is necessary for the normal business of the airport;

   (b) a gathering for the purposes of or related to transportation, including in vehicles or at public transportation facilities;

   (c) a gathering at a medical or health service facility that is necessary for the normal business of the facility;

   (d) a gathering at a disability or aged care facility that is necessary for the normal business of the facility;

   (e) a gathering for the purposes of providing care or assistance (including personal care) to a vulnerable person or providing emergency assistance;

   (f) a gathering for the purposes of emergency services;

   (g) a gathering at a detention centre, lock up or other place of custody for the purposes of or related to the operation of that place of custody;

   (h) a gathering at a court or tribunal;

   (i) a gathering at a food market, supermarket, grocery store, retail store or shopping centre that is necessary for the normal business of those premises;

   (j) a gathering at an office building, factory, mining site, construction site or other place of work that is necessary for the normal business of those premises;

   (k) a gathering at a school, educational institution or child care facility that is necessary for the normal business of the facility, other than a gathering that involves members of the community in addition to staff, students and (in the case of a child care facility) children in the care of that facility where those members are present at the facility for social purposes;

   (l) a gathering at a hotel, motel or other accommodation facility that is necessary for the normal operation of accommodation services;
(m) a gathering at an outdoor space for the purpose of transiting through the space;

Example: A central public square that people must pass through in order to get to surrounding shops

(n) a gathering at an indoor place for the purpose of transiting through the place;

Example: A lift or elevator

(o) a gathering at an indoor place or an outdoor place where everyone in the gathering is a member of the same household;

(p) a wedding that involves no more than 5 persons, where there is at least 4 square metres of space for each person at the gathering;

(q) a funeral where there is at least 4 square metres of space for each person at the gathering and that, excluding those persons whose presence is necessary to conduct the funeral:

(i) involves no more than 10 persons; or

(ii) with the approval of an authorised officer, involves only the immediate family;

(r) a gathering specified as exempt from this direction by an authorised officer in writing.