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.

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.

I REVOKE all previous directions given under section 157 of the Acts relating to COVID-19.

CHRISTMAS ISLAND AND COCOS (KEELING) ISLANDS (CORONAVIRUS EMERGENCY—PROHIBITED GATHERINGS AND ACTIVITIES AND CLOSURE OF AFFECTED PLACES DIRECTIONS) (NO. 2)

Public Health Act 2016 (WA)(CI)
Public Health Act 2016 (WA)(CKI)
The directions come into force at 5:00 pm on 1 May 2020, 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 1/5/2020

[Signature]

Natasha Griggs
Administrator
SCHEDULE 1 — DIRECTIONS

1. Definitions

In this instrument:

**affected place**: see clause 5.

**bottleshop** means an area physically attached or adjacent to relevant premises that is for the sale of packaged alcohol to be consumed off the premises.

**casino** has same meaning as in the *Gaming and Wagering Commission Act 1987 (WA)*/(CI)/(*CKI*).

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

(i) involves no more than 10 persons; or

(ii) has been approved in writing by an authorised officer.

**compliant wedding** means a wedding that involves no more than 10 persons, where there is at least 4 square metres of space for each person at the gathering.

**entertainment venue of any other kind** means any entertainment venue except a casino, cinema or nightclub.

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

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

*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).

*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.

*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.

**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.

**motor vehicle** has the same meaning as in paragraph (b) of the definition of 'motor vehicle' in section 4 of the *Road Traffic (Administration) Act 2008 (WA)*/(CI)/(*CKI*).
outdoor gym means an outdoor space used for, and equipped with, facilities or equipment for exercise.

outdoor space means a space that is not an indoor space.

place of worship means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.

playground means an outdoor space used for, and equipped with facilities for, recreation, especially by children.

premises has the same meaning as in subsection 4(1) of the Acts.

prohibited activity: see clause 4.

prohibited gathering: see clause 3.

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.

social distancing requirements, in relation to a place, means all of the following:

(i) there are no more than 10 persons in any single undivided indoor space or outdoor space at the place;

(ii) each person at the place is at least 1.5 metres apart;

(iii) there is at least 4 square metres of space for each person at the place.

Territory means the following:

(a) the Territory of Christmas Island;

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

2. Directions

Prohibited gatherings

(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.

Prohibited activities

(4) A person must refrain from undertaking or engaging in a prohibited activity.

(5) A person must not organise a prohibited activity.

(6) A person must not attend a prohibited activity.

Closure of certain places of business, worship and entertainment

(7) Every owner, occupier or person apparently in charge of an affected place must close that place to the public while these directions remain in
3. **What is a prohibited gathering?**

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

   (a) a gathering of more than 10 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 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 supermarket, grocery store, retail store or shopping centre that is necessary for the normal business of those premises, but not a gathering at a market;

   (j) a gathering at an office building, factory, mining site (including mining site accommodation), 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 compliant wedding;

(q) a compliant funeral;

(r) a gathering at an entertainment venue of any other kind for the purposes of live streaming, or recording for later broadcast or publication on television, radio, the internet or social media, of live entertainment, provided that no more than 10 persons are present and there is at least 4 square metres of space for each person at the gathering;

(s) a gathering at an affected place to the extent that the affected place may remain open to the public for certain purposes and the gathering is necessary for any of the purposes for which an affected place may remain open;

Example: A restaurant is permitted to remain open to the public to the extent that, amongst other things, it provides takeaway meals and drinks. A gathering which is necessary for the purpose of providing takeaway meals or drinks is not a prohibited gathering.

(t) a gathering in a motor vehicle;

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

4. **What is a prohibited activity?**

In this instrument, a **prohibited activity** means any of the following activities, whether undertaken or engaged in on a profit or not-for-profit basis:

(a) a real estate auction;

(b) an open house inspection (including the inspection of a display home), whether for the purposes of sale or rent, but excluding an inspection at which:

   (i) the person conducting the inspection completes, and retains and produces for inspection as may be required by an authorised officer at any time, a written register of the place, date and time where the inspection is held and the name, residential address, email address and contact telephone number of the person conducting the inspection and each person who attends; and

   (ii) no more than 10 persons (including the person conducting the inspection) are present at the same time and there is at
least 4 square metres of space for each person present; and

(iii) alcohol hand rub is made available for those attending at the entrance and, if the entrance is not also the only available exit, at each available exit; and

(iv) the person conducting the inspection encourages those attending to wash their hands with alcohol hand rub when they enter and exit the place being inspected;

(c) beauty therapy services, including but not limited to tanning, waxing, massages, nail services, tattooing and piercing, but excluding hairdressing and barbering provided that a distance of at least 1.5 metres is kept between each hairdresser or barber and customer and every other hairdresser or barber and customer in the place where hairdressing or barbering services are being provided;

(d) personal training which:
   (i) occurs indoors; or
   (ii) occurs outdoors, except when social distancing requirements are met and no equipment is shared by any of the persons involved;

(e) a wedding, other than a compliant wedding;

(f) a funeral, other than a compliant funeral;

(g) a sporting activity, whether indoors or outdoors, which ordinarily involves some or all of the participants in the sporting activity coming into bodily contact with each other;

   Example: A game of basketball, any code of football (including Australian rules football, rugby and soccer), hockey or water polo.

(h) a sporting activity, whether indoors or outdoors, which does not ordinarily involve some or all of the participants in the sporting activity coming into bodily contact with each other, except where no more than 10 persons participate in the activity.

   Example: A game of cricket, golf, lawn bowls or tennis. Playing kick to kick or training for a sport such as basketball, football, hockey or water polo will also fall within this paragraph if it does not ordinarily involve bodily contact or is conducted to ensure that bodily contact does not ordinarily occur.

5. What is an affected place?

In this instrument, an affected place means any of the following, whether operated on a profit or not-for-profit basis:

(a) a business characterised as a pub, bar or club that supplies alcohol under a licence granted under the Liquor Control Act 1988 (WA)(Cl)/(CKI), but not including any part of the business constituted by a bottleshop;

(b) a hotel, whether licensed or unlicensed, but not:
to the extent that it provides accommodation, takeaway meals or drinks or a meal delivery service; or
(ii) any part of the hotel constituted by a bottleshop;

(c) a casino;
(d) a nightclub;
(e) an entertainment venue of any other kind;
(f) a restaurant or café (including premises selling food or drink in a food court), other than to the extent that:
(i) it provides takeaway meals or drinks or a meal delivery service; or
(ii) it provides food or drink to the homeless (and for the avoidance of doubt, the provision of food or drink to the homeless is not limited to the provision of takeaway meals or drinks or a meal delivery service);

(g) a place of worship, other than for the purposes of a compliant wedding or a compliant funeral;

Note: While cl 2(7) requires a place of worship to otherwise remain closed to the public, it can be used for the purposes of live streaming or recording of religious activities at that place of worship as long as this does not involve a prohibited gathering.

(h) an auction house;
(i) a beauty parlour or salon, other than a hairdressers or barbershop;
(j) a nail salon;
(k) a tattoo parlour;
(l) a spa;
(m) a massage parlour;
(n) a gaming or gambling venue;
(o) adult entertainment premises (including but not limited to strip clubs, brothels and sex on premises venues);
(p) an amusement park or arcade;
(q) a play centre, whether indoors or outdoors;
(r) a community, recreation or youth centre or facility (including but not limited to community halls, clubs, Returns and Services League facilities and Police and Citizens Youth Clubs), other than to the extent it meets social distancing requirements while being open for a sporting activity that is not a prohibited activity;
(s) a health club or fitness centre, including a centre offering yoga, barre or spin facilities;
(t) a sauna;
(u) a bathhouse;
(v) a wellness centre;
(w) a boot camp;
(x) a swimming pool, whether indoors or outdoors (not including a community swimming pool which is run on a non-commercial basis);
(y) a gallery;
(z) a museum;
(aa) an history site;
(bb) a local government facility which is not essential to the continued functioning of the local government (such as, but in addition to, libraries and swimming pools);
(cc) an outdoor gym;
(dd) a duty free store at an airport.