



Jervis Bay Territory (Coronavirus Emergency— Directions and Authorisation)

Jervis Bay Territory Emergency Management Ordinance 2015

I, **Stephen Szabo**, AFP Officer-in-Charge, delegate of the Minister under the *Minister's Jervis Bay Territory Emergency Management Ordinance Delegation Instrument 2016 (No. 1)*:

MAKE, under subsections 19(1) and 20(1) of the Ordinance, the **DIRECTIONS** set out in Schedule 1;

AUTHORISE, under subsection 19(1) of the Ordinance, an emergency services officer to direct a person to leave specified premises and move out of an emergency area or a part of an emergency area; to take children or adults in the person's care and move them out of an emergency area or part of an emergency area; or not to enter an emergency area or part of an emergency area;

AUTHORISE, under subsection 20(1) of the Ordinance, an emergency services officer to direct any of the following:

- a) the closure to traffic of a street, road, lane or footpath, or another place open to or used by the public, in part or all of an emergency area;
- b) the closure of any other public or private place in part or all of an emergency area;
- c) the destruction, taking down or shoring up of a wall or premises, or part of premises, in part or all of an emergency area, that are damaged or insecure;
- d) the shutting off or disconnection of the supply of water or any gas, liquid, solid, grain, powder or other substance in or from a main, pipeline, container or storage facility in an emergency area or part of an emergency area;
- e) the shutting off or disconnection of the supply of gas or electricity to premises in an emergency area or part of an emergency area;
- f) the taking possession, removal or destruction of any thing in an emergency area or part of an emergency area that may be dangerous to life or property or that may interfere with the response to the emergency;

AUTHORISE, for the purposes of paragraph 21(3)(c) of the Ordinance, an emergency services officer to enter premises without notice for the purpose of complying with a direction made under subsection 20(1);

AUTHORISE, under subsection 22(1) of the Ordinance, an emergency services officer to use reasonable force to gain entry to premises for the purposes of complying with a direction made under subsection 20(1) where it is necessary for the purposes of, or to enforce compliance with, a direction made under the Ordinance.

Note: The powers and functions referred to in this authorisation may only be exercised while a state of emergency is in force, and in relation to the emergency on which the state of emergency is based (section 18 of the Ordinance).

Dated *25* March 2020



Stephen Szabo

AFP Officer-in-Charge

Schedule 1 – Directions regarding gatherings

1. Definitions

For the purposes of these directions:

ACT liquor legislation means the *Liquor Act 2010* (ACT), and any regulations made under or for the purposes of this Act, as in force in the Territory under section 4A of the *Jervis Bay Territory Acceptance Act 1915*.

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

cellar door premises means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like.

essential gathering means:

- (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 stations, platforms or stops or other public transportation facilities;
- (c) a gathering at a hospital or other medical or health service facility that is necessary for the normal business of the facility;
- (d) a gathering for the purposes of emergency services;
- (e) a gathering at a disability or aged care facility that is necessary for the normal business of the facility;
- (f) a gathering at a prison, correctional facility, youth justice centre or other place of custody;
- (g) a gathering at a court or tribunal;
- (h) a gathering at a supermarket, food market, grocery or other retail store or shopping centre that is necessary for the normal business of the supermarket, market, store or centre;
- (i) a gathering at an office building, factory or mining or construction site that is necessary for the normal operation of the building, factory or site;
- (j) a gathering at a school, university or other educational institution or child care facility that is necessary for the normal business of the school, university, institution or facility but does not include a school event that involves members of the community in addition to staff and students;
- (k) a gathering at a hotel, motel or other accommodation facility that is necessary for the normal operation of accommodation services at that hotel, motel or other facility;
- (l) a gathering at an outdoor space where 500 or more persons may be present for the purposes of transiting through the place.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes a restaurant or cafe, take away food and drink premises, a pub or a small bar.

indoor space means an area, room or other premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of the roof or walls are:

- (a) permanent or temporary, or

(b) open or closed.

mass gathering:

- (a) means a gathering:
 - (i) of 500 or more persons in a single undivided outdoor space at the same time, or
 - (ii) of 100 or more persons in a single undivided indoor space at the same time, but
- (b) does not include:
 - (i) an essential gathering, or
 - (ii) a gathering exempted, in writing, by an emergency services officer.

occupier of premises or a part of premises (including premises that are vacant) means:

- (a) the owner of the premises or part, or
- (b) if any other person is entitled to occupy the premises or part to the exclusion of the owner, the person so entitled.

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

place of public worship means a 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.

pub means licensed premises under the ACT liquor legislation the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation.

registered club means a club that holds a club licence under the ACT liquor legislation.

2. Direction against mass gatherings

- (1) A person must not enter any of the following places, and the following places are closed:
 - (a) premises at which a mass gathering is occurring;
 - (b) premises at which a gathering is occurring where the premises is not sufficient to ensure there is 4 square metres of space for each person on the premises.
- (2) A person must leave a place where there is a mass gathering, or where a gathering is occurring where the place is not sufficient to ensure there is 4 square metres of space for each person on the premises.
- (3) Subclauses (1) and (2) do not apply to:
 - (a) an essential gathering, or
 - (b) a gathering at a person's place of residence.

3. Direction against places of social gathering

- (1) The following places are closed to members of the public, and a member of the public must not enter the place:
 - (a) pubs and registered clubs, except for the purposes of:
 - (i) selling food or beverages for persons to consume off the premises, or

- (ii) if the premises include hotel or motel accommodation, providing that accommodation including by providing food or beverages to persons using that accommodation to consume in their rooms,
- (b) food and drink premises (other than pubs), except for the purposes of:
 - (i) selling food or beverages for persons to consume off the premises, or
 - (ii) if the premises are part of hotel or motel accommodation, providing food or beverages to persons using that accommodation to consume in their rooms,
- (c) entertainment facilities,
- (d) amusement centres,
- (e) casinos, except for the purposes of, if the premises include hotel or motel accommodation, providing that accommodation including by providing food or beverages to persons using that accommodation to consume in their rooms,
- (f) micro-breweries or small distilleries holding a drink on-premises authorisation under the ACT liquor legislation or cellar door premises, except for the purposes of selling food or beverages for persons to consume off the premises,
- (g) recreation facilities (indoor),
- (h) places of public worship, except for the purposes of conducting wedding services or funeral services.

(2) Subclause (1) does not apply to a place specified by an emergency services officer in writing.
