



Jervis Bay Territory (Coronavirus Emergency— Directions) (No.2)

Jervis Bay Territory Emergency Management Ordinance 2015

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

REVOKE the directions made on 27 March 2020 (the Jervis Bay Territory (Coronavirus Emergency—Directions) (No.1));

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

Dated **31 MARCH** 2020

A handwritten signature in black ink, appearing to read 'Justin Houlahan', written over a horizontal line.

Justin Houlahan

AFP Officer-in-Charge

Schedule 1 – Directions

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.

business premises means a building or place at which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis; or
- (b) a service is provided directly to members of the public on a regular basis.

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

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.

community facility means a building or place (other than educational establishment, hospital, retail premises, place of public worship or residential accommodation):

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community.

early education and care facility means a building or place used for the education and care of children, and includes a centre-based child care facility, home-based child care and school-based child care.

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 prison, correctional facility, youth justice centre or other place of custody;

- (f) a gathering at a disability or aged care facility that is necessary for the normal business of the facility;
- (g) a gathering at a court or tribunal;
- (h) a gathering at Parliament for the purpose of its normal operations;
- (i) a gathering at a supermarket, market that predominately sells food, grocery store or shopping centre (but not a retail store in a shopping centre other than a supermarket, market that predominately sells food or grocery store) that is necessary for the normal business of the supermarket, market, store or centre;
- (j) a gathering at a retail store (other than a supermarket, market that predominately sells food or grocery store) that is necessary for the normal business of the store;
- (k) a gathering at an office building, farm, factory, warehouse or mining or construction site that is necessary for the normal operation of the tenants within the building, farm, warehouse, factory or site;
- (l) 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;
- (m) 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;
- (n) a gathering at an outdoor space where 2 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.

household means any persons living together in the same place of residence.

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.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

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.

place of residence includes the premises where a person lives together with any garden, yard, passage, stairs, garage, outhouse or other area or thig attached to, or used in connection with, the premises.

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.

public place means a place (whether or not covered by water) or part of a premises that is open to the public, or is used by the public, 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, but does not include a school.

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

work includes work done as a volunteer or for a charitable organisation.

2. Direction to stay at home

- (1) A person must not, without reasonable excuse, enter any part of the Territory besides the person's place of residence.
- (2) A person must, unless the person has a reasonable excuse, move out of every part of the Territory besides the person's place of residence.
- (3) Every place in the Territory is closed to a person besides the person's place of residence and any place that the person is with a reasonable excuse.
- (4) For the purposes of subclauses (1), (2) and (3), a reasonable excuse includes:
 - (a) obtaining food or other goods or services for the personal needs of the household or other household purposes (including for pets) and for vulnerable persons,
 - (b) travelling for the purposes of work if the person cannot work from the person's place of residence,
 - (c) travelling for the purposes of attending childcare (including picking up or dropping another person at childcare),
 - (d) travelling for the purposes of facilitating attendance at a school or other educational institution if the person attending the school or institution cannot learn from the person's place of residence,
 - (e) exercising,
 - (f) obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities,
 - (g) attending a wedding or funeral referred to in clauses 5(1)(h), 3(3)(e) and 3(3)(f),
 - (h) moving to a new place of residence (including a business moving to new premises) or between different places of residence of the person or inspecting a potential new place of residence,
 - (i) providing care or assistance (including personal care) to a vulnerable person or providing emergency assistance,
 - (j) donating blood,
 - (k) undertaking any legal obligations,
 - (l) accessing public services (whether provided by Government, a private provider or a non-Government organisation), including:
 - (i) social services,
 - (ii) employment services,
 - (iii) domestic violence services,

- (iv) mental health services,
- (v) services provided to victims (including as victims of crime),
- (m) for children who do not live in the same household as their parents or siblings or one of their parents or siblings—continuing existing arrangements for access to, and contact between, parents and children or siblings,
- (n) for a person who is a priest, minister of religion or member of a religious order—going to the person’s place of worship or providing pastoral care to another person,
- (o) avoiding injury or illness or to escape a risk of harm,
- (p) travelling for emergencies or compassionate reasons.

(5) Subclause (4) does not permit a person to engage in conduct that contravenes clause 3.

(6) Subclauses (1), (2) and (3) do not apply to a person who is homeless.

3. Direction concerning gatherings of more than 2 persons

- (1) A person must not enter any public place:
 - (a) for the purpose of participating in a gathering of more than 2 persons, or
 - (b) if entering the public place would result in a gathering of more than 2 persons.
- (2) A person participating in a gathering of 2 or more persons at a public place:
 - (a) must immediately leave or move out of the public place, and
 - (b) the public place is closed to the person until he or she ceases to participate in the gathering.
- (3) Subclauses (1) and (2) do not apply in relation to:
 - (a) an essential gathering,
 - (b) a gathering of persons for the purposes of work,
 - (c) a gathering of persons all of whom are members of the same household,
 - (d) a gathering for a wedding at which there are no more than 5 persons (including the person conducting the service),
 - (e) a gathering for a funeral service at which there are no more than 10 persons (including the person conducting the service),
 - (f) a gathering to facilitate a move to a new place of residence (including a business moving to new premises),
 - (g) a gathering to provide care or assistance to a vulnerable person,
 - (h) a gathering to provide emergency assistance,
 - (i) a gathering necessary for the person to fulfil a legal obligation (including attending a court or tribunal, satisfying bail requirements or participating in legal proceedings).

4. 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.

- (4) However, paragraph (1)(b) applies to a gathering at a retail store (other than a supermarket, market that predominately sells food or grocery store).

5. 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, or
 - (iii) if the premises are part of a shopping centre, selling food or beverages for persons to consume outside of the shopping centre,
 - (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 the following:
 - (i) a wedding service at which there are no more than 5 persons (including the person conducting the service),
 - (ii) a funeral service at which there are no more than 10 persons (including the person conducting the service),
 - (i) business premises that are spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours,
 - (j) business premises that are auction houses or betting agencies,
 - (k) markets, but not markets that predominantly sell food,
 - (l) information and education facilities,
 - (m) caravan parks and camping grounds, except for the purposes of:
 - (i) accommodating permanent residents of the caravan park or camping ground or other persons who have no other place of permanent residence, and
 - (ii) allowing visitors to visit persons referred to in subparagraph (i), and
 - (iii) continuing a stay under a booking made before 26 March 2020 and that has not been extended after that date, where the person was staying there immediately before 26 March 2020.
 - (n) community facilities,
 - (o) sex service premises.
- (2) To avoid doubt, the following places are closed to members of the public, and a member of the public must not enter the place:
- (a) a public swimming pool,
 - (b) a property (other than a retail shop) operated by the National Trust or the Historic Houses Trust,
 - (c) a gaming lounge,

- (d) a strip club,
 - (e) a public place with outdoor playground equipment,
 - (f) a public place with outdoor gymnasium equipment,
 - (g) a skate park.
- (3) The following places are closed to members of the public, and a member of the public must not enter the place:
- (a) a place where an open inspection of premises is being conducted for the purposes of the sale or lease of the premises, except where a single person is being shown the premises after the person has made an appointment for that purpose,
 - (b) a place where an auction is being conducted at which persons attend in person (except a livestock auction conducted outside for food supply purposes).
- (4) Nothing in this clause prevents the use of a place, or entry into a place:
- (a) to provide a voluntary service to assist vulnerable members of the public, for example a food bank or a service providing for the needs of homeless people, or
 - (b) as an early education and care facility.

6. Exemptions

An emergency services officer may, in writing and subject to conditions, grant an exemption to specified provisions of these directions.
