Public Health (Jervis Bay Territory) Emergency Direction (No. 5) 2020

Public Health Act 1997 (ACT) (Jervis Bay Territory)

I, RACHEL BACON, Deputy Secretary, Regional and Territories Group, Department of Infrastructure, Transport, Regional Development and Communications, exercising powers vested in me under the direction, dated 16 April 2020, made by the Governor-General under subsection 4B(2) of the Jervis Bay Territory Acceptance Act 1915 (Cwlth):

CONSIDERING it necessary or desirable to alleviate the emergency declared under the Public Health (Jervis Bay Territory) Emergency Declaration 2020,

MAKE, under section 120 of the Public Health Act 1997 (ACT), as in force in the Jervis Bay Territory under section 4A of the Jervis Bay Territory Acceptance Act 1915 (Cwlth), the DIRECTION set out in this instrument.

Dated 15 June 2020 at 12:30 am/pm

Rachel Bacon
Deputy Secretary
Regional and Territories Group
Department of Infrastructure, Transport, Regional Development and Communications
1. Name of instrument
This instrument is the Public Health (Jervis Bay Territory) Emergency Direction (No. 5) 2020.

2. Commencement
This instrument takes effect immediately after it is made.

3. Duration
This instrument is in force for the period ending on the day the declared emergency (as extended or further extended) ends, unless it is earlier revoked.

4. Revocation
(1) This instrument revokes the Public Health (Jervis Bay Territory) Emergency Direction (No. 4) 2020.

(2) For the avoidance of doubt, any act, matter or thing that, immediately before the revocation of the Public Health (Jervis Bay Territory) Emergency Direction (No. 4) 2020, had effect under that instrument continues to have effect under this instrument.

5. Booderee National Park
For the avoidance of doubt, nothing in this instrument authorises the entry of a person into the Booderee National Park (the Park), including an area of the Park, or the engagement of an activity in the Park, including in an area of the Park, that is otherwise in contravention of a prohibition or restriction imposed by the Director of National Parks under subregulations 12.23(3) and 12.23A(3) of the Environment Protection and Biodiversity Conservation Regulations 2000 (Cwlth).

6. Definitions
In this instrument (including the Schedules to this instrument):

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 (Cwlth).

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.

Australian Defence Force has the same meaning as in the Defence Act 1903 (Cwlth).

authorised person means an authorised person under section 121 of the Public Health Act 1997 (ACT), as in force in the Territory under section 4A of the Jervis Bay Territory Acceptance Act 1915 (Cwlth).

business premises means a building or place at or on 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.

**COVID-19 safety plan** means the safety plan for the type of premises that addresses the matters required by the COVID-19 safety checklist approved by the NSW Chief Health Officer in relation to the type of premises and published on an appropriate NSW Government website at the time this instrument takes effect.

**declared emergency** means the emergency declared under the *Public Health (Jervis Bay Territory) Emergency Declaration 2020* (as extended or further extended).

**Director of National Parks** has the same meaning as in the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

**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.

**emergency services officer** has the same meaning as in the *Jervis Bay Territory Emergency Management Ordinance 2015* (Cwlth).

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

**existing separate seated food or drink area** means a separate seated area for the consumption of food or drink that existed immediately before the making of this instrument.

**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.

**health profession** means the following professions, and includes a recognised specialty in any of the following professions:

(a) Aboriginal and Torres Strait Islander health practice;
(b) Chinese medicine;
(c) chiropractic;
(d) dental (including the profession of a dentist, dental therapist, dental hygienist, dental prosthetist and oral health therapist);
(e) medical;
(f) medical radiation practice;
(g) midwifery;
(h) nursing;
(i) occupational therapy;
(j) optometry;
(k) osteopathy;
(l) paramedicine;
(m) pharmacy;
(n) physiotherapy;
(o) podiatry;
(p) psychology.

**health worker** means:
(a) a person employed in the NSW Health Service within the meaning of the *Health Services Act 1997* (NSW), or
(b) a person engaged by the Health Administration Corporation, within the meaning of the *Health Administration Act 1982* (NSW), to enable the Corporation to exercise its functions, or
(c) a person engaged by a public health organisation, within the meaning of the *Health Services Act 1997* (NSW), to enable the organisation to exercise its functions, or
(d) a member of staff of a licensed private health facility within the meaning of the *Private Health Facilities Act 2007* (NSW), or
(e) a registered health practitioner, or
(f) a person who works in a pharmacy or on other premises at which a health practitioner routinely practises the practitioner’s profession, or
(g) a member of staff of St John Ambulance Australia (NSW), or
(h) a member of staff of the Royal Flying Doctor Service of Australia (NSW Section), or
(i) a person engaged or employed by the South Coast Medical Service Aboriginal Corporation.

**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.

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**National Law** has the same meaning as in the *My Health Records Act 2012* (Cwlth).

**NSW Chief Health Officer** means the Chief Health Officer as defined under the *Public Health Act 2010* (NSW).

**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.

**parent**, in relation to a child, includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child.
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 thing 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 official means:
(a) an emergency service officer, or
(b) a health worker, or
(c) a police officer, or
(d) another person exercising public functions under a law in force in the Territory, or
(e) an Immigration and Border Protection worker within the meaning of the Australian Border Force Act 2015 (Cwlth), or
(f) a person employed or otherwise engaged by the Commonwealth Department of Health or the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications.

public place means:
(a) a place (whether or not covered by water), or
(b) a part of premises,
that is open to the public, or is used by the public whether or not on payment of money or other consideration, whether or not the place or part 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.

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.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racetracks and motor racing tracks.

registered health practitioner means a person registered under a National Law to practise a health profession (other than as a student).

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

small bar means a licensed premises under the ACT liquor legislation the principal purpose of which is the retail sale of liquor for consumption on the premises and which is licensed for no more than 120 patrons on the premises.

Territory has the same meaning as in the Jervis Bay Territory Acceptance Act 1915 (Cwlth).

truck driver means the driver of a vehicle being used to transport goods in connection with the driver's work.
truck stop means a place at which driver rooms, driver lounges or similar facilities are located for the use of truck drivers, and includes roadhouses, roadside rest areas and service stations used by truck drivers in connection with their work.

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

7. Directions concerning restricted use of certain premises
   (1) The occupier or operator of premises referred in column 1 of Schedule 1 must ensure that:
       (a) the number of persons on the premises at any time does not exceed the limitation set out opposite the premises in column 2 of the Schedule, and
       (b) any other restrictions or conditions set out opposite the premises in column 3 of the Schedule are complied with.
   (2) If it is a condition that there must be a COVID-19 safety plan for the premises, the occupier or operator of the premises must:
       (a) develop and comply with a COVID-19 safety plan, and
       (b) keep a copy of the COVID-19 safety plan on the premises and make it available for inspection by an emergency services officer as requested.

8. Direction about use of premises for certain purposes
   (1) Nothing in this instrument applies to prevent the use of premises or to restrict the number of persons permitted on premises where those premises are being used:
       (a) to provide a service to assist vulnerable members of the public, including, for example, a food bank or a service providing for the needs of homeless persons, or
       (b) as an early education and care facility.
   (2) Nothing in this instrument applies to prevent the use of premises for counselling and support group services.

9. Direction about persons allowed on residential premises
   (1) Each person who is at any time an adult member of a household:
       (a) must not allow more than 20 visitors to be at the place of residence of the household at any one time, or
       (b) must take reasonable steps to ensure that no more than 20 visitors are at the place of residence of the household at any one time.
   (2) A person is not a visitor for a place of residence if:
       (a) the person is a member of the household of the place of residence, or
       (b) the person is at the place of residence for any of the following purposes:
           (i) for the purpose of engaging in work,
           (ii) for childcare,
           (iii) to fulfil carers’ responsibilities,
           (iv) to provide care or assistance, including personal care, to a vulnerable person,
           (v) to participate in a gathering for a wedding or funeral or memorial service or a gathering immediately after the service at which no more than the number of persons permitted at the service or gathering under section 13 are on the premises,
           (vi) to give effect to new or existing arrangements for spending time with, and providing contact between, parents and children under the age of 18 or between siblings,
           (vii) to assist a person moving to or from the place of residence,
           (viii) to avoid an injury or illness or to escape a risk of harm,
           (ix) because of an emergency or for compassionate reasons.
10. Directions about number of persons allowed on other premises

(1) Subject to subsection (2), a person who is the occupier or operator of premises must not:

(a) for premises comprised predominantly of an outdoor space: allow more than 500 persons to be on the premises at the same time, or

(b) for premises comprised predominantly of an indoor space: allow more than 100 persons to be on the premises at the same time, or

(c) allow persons to enter or stay on the premises (whether comprised of an outdoor or indoor space) if the size of the premises is insufficient to ensure there is 4 square metres of space for each person on the premises.

Note. This section does not prevent the conduct of events (such as sporting or racing events) subject to the limits referred to in this subsection and the prohibition in section 12 on gatherings of more than 20 persons.

(2) This section does not apply to:

(a) a place of residence, or

(b) premises referred to in Schedule 1, unless otherwise specified in that Schedule, or

(c) a gathering referred to in Schedule 2.

11. Direction about place of work

An employer must allow an employee to work at the person's place of residence if it is reasonably practicable to do so.

12. Directions about public gatherings

(1) A person must not participate in a public gathering of more than 20 persons.

(2) A person is not part of a public gathering if the person is:

(a) engaged in work, or

(b) providing care or assistance to vulnerable persons.

(3) This section does not apply to the following:

(a) premises referred to in Schedule 1,

(b) a gathering referred to in Schedule 2,

(c) a gathering of persons all of whom are members of the same household,

(d) a gathering referred to in section 13,

(e) a gathering to facilitate a move to a new place of residence or a business moving to new premises,

(f) a gathering to provide emergency assistance,

(g) 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,

(h) a gathering of persons on real property to enable persons to view or inspect the real property for the purposes of the sale or lease of the real property,

(i) a gathering of persons at a display home or other display premises to enable persons to view or inspect the display home or display premises for the purposes of the sale or lease of real property.

(4) In this section public gathering means a meeting or assembly of persons for a common purpose, including an organised or planned event in a public place (whether ticketed or not).

13. Directions about gatherings for weddings, funerals, memorial services and religious services

(1) Subject to compliance with subsection (3), a person must not participate in:

(a) a gathering for a wedding service, or a gathering immediately after a wedding service, at
which there are more than 20 persons, excluding:

(i) the persons being married, and
(ii) the persons necessary for the conduct of, or assisting in the conduct of, the service or gathering, and
(iii) one photographer and one videographer,

(b) a gathering for a funeral service or memorial service, or a gathering immediately after a funeral or memorial service, at which there are more than 50 persons, excluding the persons necessary for the conduct of, or assisting in the conduct of, the service or gathering, including, for example:

(i) the funeral celebrant or minister of religion, and
(ii) the funeral directors,

(c) a gathering for a religious service at which there are more than 50 persons, excluding the persons necessary for the conduct of, or assisting in the conduct of, the service.

(2) I direct that:

(a) a person at a wedding, funeral, memorial or religious service, or a gathering immediately after a wedding, funeral or memorial service, must provide the person’s name and contact details, including a telephone number or email address, to the relevant person for the service, and

(b) the relevant person for the service or gathering must record the name and contact details, including the telephone number or email address, of each person at the service or gathering.

(3) I direct that the relevant person for a wedding, funeral, memorial or religious service, or a gathering immediately after a wedding, funeral, memorial or religious service, where that service or gathering is held anywhere other than a place of residence, must ensure that there is at least 4 square metres of space for each person at the service or gathering.

(4) A service or gathering specified in this clause held on premises as set out in Schedule 1:

(a) must comply with any limit imposed by column 2 of Schedule 1 on the number of people permitted on the premises, and

(b) need not comply with any restriction on the number of people permitted on the premises by column 3 of Schedule 1.

(5) In this section:

relevant person, for a wedding, funeral, memorial or religious service, or a gathering immediately after a wedding, funeral, memorial or religious service, means:

(a) for a service or gathering held in an indoor space: the occupier or operator of the premises, or

(b) for a service or gathering held in an outdoor space: the person conducting the service.

14. Direction—spitting or coughing on public official or other worker

(1) A person must not intentionally spit at or cough on any of the following persons in a way that would reasonably be likely to cause fear about the spread of COVID-19:

(a) a public official,

(b) another worker while the worker is:
   (i) at the worker’s place of work, or
   (ii) travelling to or from that place of work.

(2) If the worker’s place of work is the worker’s residential premises, the place of work does not, for the purposes of this section, include any part of the premises used solely for residential purposes.

(3) Without limiting paragraph (1)(b), a worker includes the following:

(a) a retail worker,

(b) a person who works at an airport,
(c) a person who works for an electricity, gas, water or other utility company,
(d) a person who works in the transport industry or a transport-related industry,
(e) a member of the Australian Defence Force.

Note. Examples of public officials and workers include hospital staff, bus drivers, train drivers, ferry deckhands, taxi drivers, ride share drivers, food delivery workers, security guards, electricity, gas and water meter readers and postal delivery staff (including persons working for an entity under a contract, directly or indirectly, on behalf of a government).

15. Exemptions

(1) An emergency services officer may, in writing and subject to the conditions that the officer considers appropriate, grant an exemption to this direction or specified provisions of this direction.

(2) Subsection (1) does not apply to section 14.

16. Enforcement

(1) 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.

(2) If a person fails to comply with any direction given under subsection (1), then the authorised person may take all reasonable steps to enforce compliance with this direction.
**Schedule 1 – Restricted premises**

Note 1. Premises referred to in this Schedule are subject to certain limitations, restrictions or conditions. Any premises not referred to in this Schedule are open and only subject to the restrictions in section 10 about the number of persons allowed on premises, unless the premises are a place of residence or the persons on the premises are there for the purposes of an essential gathering referred to in Schedule 2.

Note 2. Where a premises has more than 1 use the premises' type is determined by the predominant use of those premises.

Note 3. Nothing in this Schedule prevents or limits the use of premises for a purpose in section 8.

Note 4. For weddings, funerals, memorial services, religious services and gatherings immediately after those events refer to section 13.

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<tr>
<th>Premises</th>
<th>Limitation on number of persons on premises</th>
<th>Restrictions or conditions</th>
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<tr>
<td><strong>column 1</strong></td>
<td><strong>column 2</strong></td>
<td><strong>column 3</strong></td>
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<tr>
<td>1 Amusement centres</td>
<td>N/A</td>
<td>Premises must not be open to the public</td>
</tr>
<tr>
<td>2 Aquariums</td>
<td>No more than the total number of persons calculated by allowing 4 square metres of space for each person (including staff members) on the premises. In calculating the area of the premises, animal enclosures must be excluded.</td>
<td>(a) any indoor cinema on the premises must not be open to the public (b) must have a COVID-19 safety plan</td>
</tr>
<tr>
<td>3 Business premises that are used for auction houses, other than clearing houses</td>
<td>No more than the total number of persons calculated by allowing 4 square metres of space for each person (including staff members) on the premises</td>
<td>Must have a COVID-19 safety plan</td>
</tr>
<tr>
<td>4 Business premises that are used for betting agencies</td>
<td>The lesser of the following number of customers: (a) 20 customers, or (b) the total number of customers calculated by allowing 4 square metres of space for each customer (excluding staff members) on the premises</td>
<td>Must have a COVID-19 safety plan</td>
</tr>
<tr>
<td>5 Caravan parks and camping grounds</td>
<td>no limitation</td>
<td>Must have a COVID-19 safety plan</td>
</tr>
<tr>
<td>6 Casinos</td>
<td>For the purposes of accessing goods or services (other than accommodation services) the lesser of the following number of customers: (a) 50 customers per existing separate seated food or drink area, or (b) a person entering the premises must provide the person’s name and</td>
<td>(a) no person may be on the premises as part of an individual group of more than 20 persons unless those persons are engaging in work on the premises</td>
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<td>(b) the total number of customers calculated by allowing 4 square metres of space for each customer (excluding staff members) on the premises</td>
<td>contact details, including a telephone number or email address, to the occupier or operator of the premises</td>
</tr>
<tr>
<td>7 Community centres</td>
<td>No more than the total number of persons calculated by allowing 4 square metres of space for each person (including staff members) on the premises</td>
<td>(c) the occupier or operator of the premises must record the names and contact details, including telephone numbers or email addresses, of all persons entering the premises</td>
</tr>
<tr>
<td>8 Drive-in cinema</td>
<td>No limitation</td>
<td>(d) must have a COVID-19 safety plan</td>
</tr>
<tr>
<td>9 Entertainment facilities</td>
<td>N/A</td>
<td>(a) any class or organised event provided at the centre must have not more than 20 persons participating (not including persons conducting or assisting in the conduct of the class or event or parents, guardians and carers of persons participating)</td>
</tr>
<tr>
<td>10 Food and drink premises, including premises that are within other premises, excluding premises referred to in items 6, 16, 17 and 22.</td>
<td>The number of customers that may consume food or drink on the premises is the lesser of: (a) 50 customers per existing separate seated food or drink area, or (b) the total number of customers calculated by allowing 4 square metres of space for each customer</td>
<td>(a) no person may be on the premises as part of an individual group of more than 20 persons unless those persons are engaging in work on the premises</td>
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<td>(b) must have a COVID-19 safety plan</td>
<td>(b) a person consuming food or drink on the premises must provide the person’s name and contact details, including a telephone number or email address,</td>
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<td><strong>Food courts</strong></td>
<td>(excluding staff members) on the premises</td>
<td>to the occupier or operator of the premises</td>
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<td>(c) the occupier or operator of the premises must record the names and contact details, including telephone numbers or email addresses, of all persons entering the premises</td>
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<td>(d) must have a COVID-19 safety plan</td>
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<td><strong>Holiday homes and holiday rentals</strong></td>
<td>The number of customers that may consume food or drink on the premises is the lesser of:</td>
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<td>(a) 50 customers per existing separate seated food or drink area, or</td>
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<td>(b) the total number of customers calculated by allowing 4 square metres of space for each customer (excluding staff members) on the premises</td>
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<td><strong>Information and education facilities</strong></td>
<td>No more than 20 person unless all persons are members of the same household</td>
<td>(a) any indoor cinemas, theatres or theatrettes must be closed</td>
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<td>(b) must have a COVID-19 safety plan</td>
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<td><strong>Markets that do not predominantly sell food</strong></td>
<td>No more than the total number of persons calculated by allowing 4 square metres of space for each person (including staff members) on the premises</td>
<td>(a) no person may be on the premises as part of an individual group of more than 20 persons unless those persons are engaging in work on the premises</td>
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<td><strong>Markets that predominantly sell food</strong></td>
<td>N/A</td>
<td>Must have a COVID-19 safety plan</td>
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<tr>
<td><strong>Micro-breweries, small distilleries holding a drink on-premises</strong></td>
<td>The number of customers that may consume food or drink on the premises is the lesser of:</td>
<td>(a) any indoor cinemas, theatres or theatrettes must be closed</td>
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<td>(a) 50 customers per existing separate seated food or drink area, or</td>
<td>(b) must have a COVID-19 safety plan</td>
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<td>(d) must have a COVID-19 safety plan</td>
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<tr>
<td>17</td>
<td>Business premises that are used for nail salons, beauty salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours</td>
<td>The lesser of the following:</td>
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<td>(a) 20 customers (excluding staff members), or</td>
<td>(a) any class or organised event must have not more than 20 persons participating (not including persons conducting or assisting in the conduct of the class or event or parents, guardians and carers of persons participating)</td>
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<td>(b) the total number of persons calculated by allowing 4 square metres of space for each person (excluding staff members) on the premises</td>
<td>(b) must have a COVID-19 safety plan</td>
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<td>The lesser of:</td>
<td>Must have a COVID-19 safety plan</td>
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<td>(a) the total number of persons calculated by allowing 4 square metres of space for each person on the premises, or</td>
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<td>(b) for a gathering for private worship: 50 persons.</td>
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<tr>
<td>18</td>
<td>Places of public worship</td>
<td>Must have a COVID-19 safety plan</td>
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<tr>
<td>19</td>
<td>Properties operated by the National Trust or the Historic Houses Trust</td>
<td>No more than the total number of persons calculated by allowing 4 square metres of space for each person (including staff members) on the premises</td>
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<tr>
<td>20</td>
<td>Public indoor swimming pools</td>
<td>No more than the total number of persons calculated by allowing 4 square metres of space for each person (including staff members) on the premises</td>
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</tbody>
</table>

(b) a person entering the premises must provide the person’s name and contact details, including a telephone number or email address, to the occupier or operator of the premises

(c) the occupier or operator of the premises must record the names and contact details, including telephone numbers or email addresses, of all persons entering the premises

(d) must have a COVID-19 safety plan
<table>
<thead>
<tr>
<th>Column 1</th>
<th>Premises</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>Public outdoor swimming pools</td>
<td>No more than the total number of persons calculated by allowing 4 square metres of space for each person (including staff members) on the premises</td>
<td>Must have a COVID-19 safety plan</td>
</tr>
<tr>
<td>22</td>
<td>Pubs, small bars and registered clubs (including a racing club) licensed under the ACT liquor legislation</td>
<td>For the purposes of accessing goods or services (other than accommodation services) the lesser of the following number of customers: (a) 50 customers per existing separate seated food or drink area, (b) the total number of customers calculated by allowing 4 square metres of space for each customer (excluding staff members) on the premises</td>
<td>(a) no person may be on the premises as part of an individual group of more than 20 persons unless those persons are engaging in work on the premises (b) a person entering the premises must provide the person’s name and contact details, including a telephone number or email address, to the occupier or operator of the pub or registered club (c) the occupier or operator of the premises must record the names and contact details, including telephone numbers or email addresses, of all persons entering the premises (d) must have a COVID-19 safety plan</td>
</tr>
<tr>
<td>23</td>
<td>Recreation facilities (indoor) other than public indoor swimming pools</td>
<td>The total number of persons calculated by allowing 4 square metres of space for each person on the premises</td>
<td>(a) any class or organised event must have not more than 20 persons participating (not including persons conducting or assisting in the conduct of the class or event or parents, guardians and carers of persons participating) (b) must have a COVID-19 safety plan</td>
</tr>
<tr>
<td>24</td>
<td>Recreation facilities (major) (other than premises occupied by a racing club within the meaning of the ACT Liquor Legislation)</td>
<td>The lesser of the following: (a) 20 persons (excluding persons engaged in work, persons in food and drink premises within the facility and persons accessing food and drink premises within the facility), or</td>
<td>(a) food and drink premises within the facility are subject to the limitations and restrictions applying to food and drink premises in item 10 of this Schedule (b) must have a COVID-19 safety plan</td>
</tr>
<tr>
<td>Premises</td>
<td>Limitation on number of persons on premises</td>
<td>Restrictions or conditions</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td></td>
</tr>
<tr>
<td>column 1</td>
<td>column 2</td>
<td>column 3</td>
<td></td>
</tr>
<tr>
<td>(b) the total number of persons calculated by allowing 4 square metres of space for each person on the premises (excluding persons engaged in work, persons in food and drink premises within the facility and persons accessing food and drink premises within the facility)</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 Retail stores (other than a supermarket, market that predominately sells food or grocery store)</td>
<td>No more than the total number of persons calculated by allowing 4 square metres of space for each person on the premises</td>
<td>Premises must not be open to members of the public</td>
<td></td>
</tr>
<tr>
<td>26 Sex service premises</td>
<td>N/A</td>
<td>Premises must not be open to members of the public</td>
<td></td>
</tr>
<tr>
<td>27 Strip clubs</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28 Zoological parks and reptile parks</td>
<td>No more than the total number of persons calculated by allowing 4 square metres of space for each person (including staff) on the premises. In calculating the area of the premises, animal enclosures must be excluded.</td>
<td>(a) any indoor cinema on the premises must not be open to the public (b) must have and comply with a COVID-19 safety plan</td>
<td></td>
</tr>
<tr>
<td>29 Vessels used for commercial scuba diving and snorkelling tours or for commercial whale, dolphin or marine animal watching tours</td>
<td>Must have no more than 50 customers plus crew member</td>
<td>Must have a COVID-19 safety plan</td>
<td></td>
</tr>
<tr>
<td>30 Vessels used for hosting functions or for commercial tours (other than tours specified in item 29)</td>
<td>The lesser of the following: (a) 50 customers plus crew members, or (b) the total number of persons calculated by allowing 4 square metres of space for each person (including crew members) on the vessel</td>
<td>Must have a COVID-19 safety plan</td>
<td></td>
</tr>
</tbody>
</table>
Schedule 2 – Essential gatherings

1. a gathering at an airport that is necessary for the normal business of the airport
2. a gathering for the purposes of or related to transportation, including in vehicles or at truck stops, stations, platforms or stops or other public transportation facilities
3. a gathering at a hospital or other medical or health service facility that is necessary for the normal business of the facility
4. a gathering for the purposes of emergency services, including the provision of training by an emergency service
5. a gathering at a prison, correctional facility, youth justice centre or other place of custody
6. a gathering at a disability or aged care facility that is necessary for the normal business of the facility
7. a gathering at a court or tribunal
8. 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
9. a gathering at an office building, farm, factory, warehouse, commercial fishing operation or mining or construction site or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the building, farm, factory, warehouse, commercial fishing operation or site or of the commercial vessel
10. 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
11. 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
12. a gathering at an outdoor space for the purposes of transiting through the place

Note: Subsection 120(4) of the Public Health Act 1997 (ACT) 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).