Public Health (Jervis Bay Territory) Emergency Direction (No. 9) 2020

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), make the following Direction.

Dated 24 September 2020 at 10:20 am/pm

Rachel Bacon
Deputy Secretary
Regional and Territories Group
Department of Infrastructure, Transport, Regional Development and Communications
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Part 1—Preliminary

1 Name
This Direction is the Public Health (Jervis Bay Territory) Emergency Direction (No. 9) 2020.

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

3 Authority
(1) This Direction is made under section 120 of the Act.

(2) This Direction is considered necessary or desirable to alleviate the emergency declared under the Public Health (Jervis Bay Territory) Emergency Declaration 2020.

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

5 Revocation
(1) This Direction revokes the Public Health (Jervis Bay Territory) Emergency Direction (No. 8) 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. 8) 2020, had effect under that direction continues to have effect under this Direction.

(3) If, immediately before the commencement of this Direction, a person was required to keep a record of a person’s name and contact details under the repealed direction, that requirement continues under this Direction as if the repealed direction remained in force.

(4) If, immediately before the commencement of this Direction, an exemption granted by an emergency services officer under the repealed direction was in force, that exemption continues as if it were granted under this Direction.

(5) In this section:

repealed direction means the Public Health (Jervis Bay Territory) Emergency Direction (No. 8) 2020.
6 Booderee National Park

For the avoidance of doubt, nothing in this Direction 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).

7 Definitions

Note: A number of expressions used in this Direction are defined in the Act and the Legislation Act 2001 (ACT) as in force in the Territory under section 4A of the Jervis Bay Territory Acceptance Act 1915 (Cwlth).

In this Direction (including the Schedules to this Direction):

Act means 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).

ACT Interstate Hotspots Direction means the Public Health (COVID-19 Interstate Hotspots) Emergency Direction 2020 (No 5) (the original Direction), as made by the chief health officer under section 120 of the Public Health Act 1997 (ACT) as in force in the Australian Capital Territory, and as amended from time to time, and includes any subsequent direction made under section 120 of that Act which revokes and replaces the original Direction or a replacement direction.

Note: Section 102 of the Legislation Act 2001 (ACT) deals with references to laws including references to laws as in force from time to time and repealed and remade laws.

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.

approved COVID-19 safety checklist means a COVID-19 safety checklist, approved by the NSW Chief Health Officer and published on the New South Wales Government website at the time this Direction takes effect.

Australian Capital Territory means the geographical area of the Australian Capital Territory.

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 Act.
*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; and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

*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, but does not include a caravan park.

*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.

*close contact* means a person identified as:
- (a) likely to have come into contact with a person with COVID-19; and
- (b) being at risk of developing COVID-19.

*community sporting activity* includes a training session for a community sporting activity.

*corporate event* means an event, hospitality or social activity:
- (a) organised, held or funded by a business or other organisation for staff, clients or stakeholders; and
- (b) held on premises that are a function centre.

*COVID-19 environmental cleaning* means environmental cleaning and disinfection in a workplace or other non-residential premises to prevent the spread of COVID-19.

*COVID-19 Safety Hygiene Marshal*, for a hospitality venue or gymnasium, means a person who:
- (a) is responsible for ensuring the COVID-19 Safety Plan for the premises is being adhered to; and
- (b) is dressed in distinctive clothing.

*COVID-19 safety plan* means the safety plan for the type of activity or 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 activity or premises and published on the NSW Government website at the time this Direction takes effect.

*Public Health (Jervis Bay Territory) Emergency Direction (No. 9) 2020*
critical services includes the following services:
(a) the movement of freight or persons on a commercial basis;
(b) the maintenance and repair of critical infrastructure;
(c) medical or hospital care;
(d) law enforcement;
(e) Commonwealth defence and security services;
(f) mining, agriculture, construction, energy or manufacturing;
(g) COVID-19 environmental cleaning on a commercial basis that is not available locally;
but does not include services provided by a seasonal worker.

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

designated health practitioner means any of the following:
(a) a medical practitioner;
(b) a registered nurse;
(c) a nurse practitioner;
(d) a paramedic.

diagnosed person means a person who has been diagnosed with COVID-19.

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, but does not include a pub or registered club.

event includes a function.

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.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

gymnasium means a gymnasium that is a recreation facility (indoor) and that is open to members of the public, but does not include a dance, yoga, pilates, gymnastics or martial arts studio.
**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.

**hospitality venue** means the following:

(a) a casino;
(b) food and drink premises;
(c) micro-breweries, small distilleries holding a drink on-premises authorisation under the ACT liquor legislation and cellar door premises;
(d) pubs;
(e) registered clubs;
(f) small bars.

*household* means 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.

*JBT resident* means a person whose usual place of residence is the Territory.

*Local Emergency Operations Controller* has the same meaning as in the *Jervis Bay Territory Emergency Management Ordinance 2015* (Cwlth).

*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.

*medically cleared*, in relation to a person, means the person has been assessed by a medical practitioner as not infectious for COVID-19.

*music festival* means an event, other than a concert, that:
(a) is music-focused or dance-focused, and
(b) has performances by a series of persons or groups that are engaged to play or perform to live or pre-recorded music, or to provide another form of musical or live entertainment; and
(c) is held within a defined area, and
(d) is a ticketed event.

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

*New South Wales* means the geographical area of the State of New South Wales.

*NSW Border Control Order* means the *Public Health (COVID-19 Border Control) Order 2020* (NSW), made by the Minister for Health and Medical Research of New South Wales under section 7 of the *Public Health Act 2010* (NSW).

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

*NSW entry permit* means a permit issued by or on behalf of the Government of New South Wales for the purposes of the *Public Health (COVID-19 Border Control) Order 2020* (NSW), whether issued in paper or electronic form.
**NSW Health self-isolation guidelines for close contacts** means the NSW Health self-isolation guidelines for close contacts issued by the NSW Chief Health Officer and published on the website of NSW Health at the time this Direction takes effect.

Note: www.health.nsw.gov.au

**NSW Health self-isolation guidelines for people diagnosed with COVID-19 infection** means the NSW Health self-isolation guidelines for people diagnosed with COVID-19 infection issued by the NSW Chief Health Officer and published on the website of NSW Health at the time this Direction takes effect.

Note: www.health.nsw.gov.au

**NSW Health self-isolation guidelines for people suspected to have COVID-19 infection** means the NSW Health self-isolation guidelines for people suspected to have COVID-19 infection issued by the NSW Chief Health Officer and published on the website of NSW Health at the time this Direction takes effect.

Note: www.health.nsw.gov.au

**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, and includes the operator of a vehicle or vessel.

**organiser** means:

(a) for an activity conducted by or on behalf of an entity that is registered under the *Associations Incorporation Act 1991* (ACT), as in force in the Territory under section 4A of the *Jervis Bay Territory Acceptance Act 1915* (Cwlth), the public officer of the entity; or

(b) for an activity conducted by or on behalf of an entity other than an entity referred to in paragraph (a), the chief executive officer of the entity, however described; or

(c) in all other cases, the person who made the arrangements for the activity.

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

**parent**, in relation to a child, includes a person who has parental responsibility for, or care of, the child.

**participant** includes:

(a) a person engaged in the sporting activity; and

(b) an official involved in the conduct or organisation of the sporting activity; and

(c) a spectator of the sporting activity.

**party bus** means a vehicle being used on a commercial basis for the purposes of a party, whether or not the party takes place during transportation between locations.
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 and a 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 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).

public official means:
(a) an authorised person; or
(b) an emergency services officer; or
(c) a health worker; or
(d) a police officer; or
(e) another person exercising public functions under a law in force in the Territory; or
(f) an Immigration and Border Protection worker within the meaning of the Australian Border Force Act 2015 (Cwlth); or
(g) 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 (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, racecourses 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.
separate area, for a hospitality venue, means an area within the venue:
   (a) that is separate from other areas on the premises; and
   (b) has been designated as a separate area by the occupier of the premises; and
   (c) if food and drink service are being provided in the area: that has staff that
       are providing food and drink service only in that area; and
   (d) that does not allow persons gathering in different areas to mingle.

separate area, for a place of public worship, means a building:
   (a) that is separate from other buildings within the premises; and
   (b) has been designated as a separate building by the occupier of the premises; and
   (c) that is staffed by persons officiating or volunteers or other staff who
       provide services in that building only; and
   (d) that does not allow persons gathering in different buildings to mingle.

sex services premises means a brothel, but does not include home occupation
   (sex services).

short-term rental means premises to which a short-term rental accommodation
   arrangement applies.

short-term rental accommodation arrangement means a commercial
   arrangement for giving a person the right to occupy residential premises for a
   period of not more than 3 months at any one time.

significant event means:
   (a) a corporate event; or
   (b) a funeral or memorial service; or
   (c) a wedding service; or
   (d) a gathering following a funeral or memorial service or wedding service.

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.

Victoria means the geographical area of the State of Victoria.

Victorian resident means a person whose usual place of residence is Victoria.

work includes work done as a volunteer or for a charitable organisation.
8 Interpretation generally

(1) In calculating both the space available for each person on any premises and the number of persons on the premises, the following persons are not to be included in any calculations:
   (a) any person engaged in work on the premises for the occupier of the premises; and
   (b) if the premises are food and drink premises, any person ordering or collecting food or drink to consume off the premises.

(2) In calculating the space available for each person on any premises the following areas are to be included in the calculations:
   (a) if the size of the premises is not more than 200 square metres of floor space, the entire premises; or
   (b) if the size of the premises is more than 200 square metres of floor space, only those areas that are open to the public.

Part 2—Restrictions on gatherings and use of premises

Division 1—Place of work and non-residential premises

9 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.

10 Direction requiring COVID-19 Safety Plans

(1) The occupiers of premises listed in column 1 of Schedule 1 must:
   (a) develop and comply with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist set out opposite the premises in column 2 of Schedule 1: 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.

(2) For premises that are a hospitality venue or place of public worship that has more than one separate area, the occupier of the premises must develop, comply with and keep a COVID-19 Safety Plan as required by subsection (1) for each of the separate areas on the premises.

11 Direction about the number of persons allowed on premises

(1) The occupier of premises must not allow persons on the premises if the size of the premises is insufficient to ensure there is at least 4 square metres of space for each person on the premises.

(2) This section does not apply to:
   (a) a place of residence; or
   (b) hospitality venues; or
   (c) a recreation facility (major); or
(d) a vessel used for commercial tours for scuba diving, snorkelling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel; or

(e) caravan parks and camping grounds; or

(f) holiday homes and short-term rentals; or

(g) a gathering referred to in Schedule 2; or

(h) a gathering at a place of public worship.

12 Direction about hospitality venues

(1) The occupier of a hospitality venue must ensure that:

(a) for a hospitality venue that consists of more than one separate area, the maximum number of persons in each of the areas is the lesser of:

   (i) the number of persons that is equivalent to one person per 4 square metres of space in the area; or

   (ii) 300 persons; and

(b) for any other hospitality venue, the maximum number of persons on the premises is the lesser of:

   (i) the number of persons that is equivalent to one person per 4 square metres of space in the premises; or

   (ii) 300 persons.

(2) The occupier of a hospitality venue must ensure that:

(a) for a significant event on the premises: a booking for the event does not consist of more persons than the maximum number permitted under section 18 to attend the event; and

(b) otherwise:

   (i) an individual booking or reservation for a group entering or on the premises does not consist of more than 10 persons; and

   (ii) no individual group entering or on the premises consists of more than 10 persons; and

(c) as far as practicable, persons on the premises remain seated; and

(d) there is a COVID-19 Safety Hygiene Marshal:

   (i) for premises that do not have separate areas: on the premises if there are more than 250 persons on the premises; or

   (ii) for premises that have separate areas: in a separate area on the premises if there are more than 250 persons in the area.

13 Direction about gymnasiums

The occupier of a gymnasium must ensure that there is a COVID-19 Safety Hygiene Marshal on the premises if the gymnasium is open for use.

14 Direction about places of public worship

(1) The occupier of a place of public worship must ensure:

(a) for a place of public worship with more than one separate area, the maximum number of persons in each of the areas is the lesser of:
(i) the number of persons that is equivalent to one person per 4 square metres of space in the area; or
(ii) 100 persons; and

(b) for any other place of public worship, the maximum number of persons on the premises is the lesser of:
   (i) the number of persons that is equivalent to one person per 4 square metres of space in the area; or
   (ii) 100 persons.

(2) The occupier of a place of public worship comprised of more than one separate area must ensure that a religious service, activity or event conducted in one separate area does not commence or end at the same time as another religious service, activity or event in another separate area in the place.

(3) Subsection (1) does not apply in relation to a wedding service or a gathering following a wedding service.

Note: Subsection 18(5) provides for the maximum number of persons for wedding services and gatherings following wedding services.

15 Direction about premises on which significant event held

The occupier of premises on which a significant event is held must ensure that the number of persons on the premises for that event is not more than the number of persons that, under section 18, are permitted to participate in a significant event of that type.

16 Direction about major recreation facilities

(1) A person who is the occupier of a recreation facility (major) must not allow persons, other than persons engaged in work, to be on the premises unless:
   (a) admission to the premises is by way of a ticket and each person has been assigned to a seating area; and
   (b) the total number of persons is the lesser of 25% of the capacity of the premises or 10,000 persons.

(2) Subsection (1) does not apply in circumstances where:
   (a) admission to the premises is limited to a maximum of 500 persons; and
   (b) the size of the premises is sufficient to ensure there is at least 4 square metres of space for each person on the premises.

(3) The occupier of premises of a type listed in Schedule 1 (for example, food and drink premises) that are within a recreation facility (major) must not allow persons to be on the premises unless the size of the premises is sufficient to ensure there is at least 4 square metres of space for each person on the premises.

Division 2—Residential premises

17 Direction about persons allowed on residential premises

(1) Each adult member of a household must not allow more than 20 visitors to be at the place of residence of the household at any one time.
(2) The visitor to a place of residence must not participate in a gathering at the residence consisting of more than 20 visitors.

(3) This section does not apply to a wedding, a funeral or a memorial service or a gathering immediately after a wedding, a funeral or a memorial service.

(4) For the purposes of this section, a person is not a visitor to 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) to engage 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 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;
      (vi) to assist a person moving to or from the place of residence;
      (vii) to avoid an injury or illness or to escape a risk of harm;
      (viii) because of an emergency or for compassionate reasons;
      (ix) to view or inspect real property for sale or lease or participate in an auction of real property.

Division 3—Corporate events, funerals, memorial and religious services and weddings

18 Restrictions on certain activities

(1) A person must not organise, conduct or participate in a significant event mentioned in subsections (2) to (5) if the number of persons to attend or attending the service or event exceeds the maximum set out in the relevant subsection.

(2) For a corporate event, the maximum number of people is the lesser of:
   (a) the number of persons that is equivalent to one person per 4 square metres of space in the premises; or
   (b) 150 persons.

(3) For a funeral or memorial service, or a gathering following a funeral or memorial service, the maximum number of people is the lesser of:
   (a) the number of persons that is equivalent to one person per 4 square metres of space in the premises; or
   (b) 100 persons.

(4) For a religious service, the maximum number of persons is the lesser of:
   (a) the number of persons that is equivalent to one person per 4 square metres of space in the premises; or
   (b) 100 persons.
(5) For a wedding service, or a gathering following a wedding service, the maximum number of persons is the lesser of:

(a) the number of persons that is equivalent to one person per 4 square metres of space in the premises; or

(b) 150 persons.

(6) This section does not prevent a person from making or accepting a booking for a significant event exceeding the maximum amount of persons specified by this clause if the event complies with this section as in force when the event is held.

(7) Persons are to be excluded in calculating the maximum number of persons specified by this section for a significant event if subsection 8(1) excludes them in calculating the space available for each person on the premises.

19 Direction requiring COVID-19 Safety Plans

(1) The responsible person for a significant event must:

(a) have and comply with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist set out opposite the type of event in column 2 of Schedule 1; and

Note: If a person is a responsible person for more than one significant event the person may not need to develop a specific COVID-19 Safety Plan for each event. For example, if wedding services are regularly held in an indoor space on premises, the occupier of the premises may have one COVID-19 Safety Plan that applies to all wedding services held on the premises.

(b) keep a copy of the COVID-19 Safety Plan on the premises while the significant event is being held and make it available for inspection by an emergency services officer as requested.

(2) In this section:

responsible person means:

(a) for a significant event held in a public park, a reserve or a public garden: the person organising the event or conducting the service; and

(b) for another significant event: the occupier of the premises.

Division 4—Community sporting activities

20 Direction requiring COVID-19 Safety Plans

The organiser of a community sporting activity that involves a gathering of more than 20 participants must:

(a) develop and comply with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist; and

(b) keep a copy of the COVID-19 Safety Plan and make it available for inspection by an emergency services officer as requested.

21 Direction concerning maximum number of participants

The organiser of a community sporting activity must ensure that a gathering for the activity involves no more than 500 participants.
Division 4—Outdoor public gatherings

22 Direction concerning outdoor public gatherings

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

(2) This section does not apply to a person who is:
   (a) engaged in work; or
   (b) providing care or assistance to vulnerable persons.

(3) This section does not apply to the following:
   (a) a gathering on premises for which a person is required by section 10 to develop and keep a COVID-19 Safety Plan;
   (b) a community sporting activity for which a person is required by section 20 to develop and keep a COVID-19 Safety Plan;
   (c) a gathering listed in Schedule 2;
   (d) a gathering of persons who are all from the same household;
   (e) a gathering for a wedding, a funeral, a memorial service or a religious service or a gathering immediately after a wedding, a funeral, a memorial service or a religious service;
   (f) a gathering to move to a new place of residence or a business moving to new premises;
   (g) a gathering to provide emergency assistance to a person or persons;
   (h) a gathering necessary for the person to fulfil a legal obligation;
   (i) 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;
   (j) 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.

Division 5—Use of premises for specific activities

23 Direction concerning holiday homes and short-term rentals

The occupier of premises may not allow the premises to be used for the purpose of a holiday home or a short-term rental for more than 20 persons unless all of those persons are from the same household.

24 Direction concerning nightclubs

Premises may not be used for the purpose of a nightclub.

25 Direction concerning music festivals

Premises may not be used for the purpose of a music festival.
26 Direction concerning auctions, open houses or other inspections or viewings

(1) If a real estate agent is engaged to sell or lease real property, the agent must ensure that an auction, open house or other inspection or viewing of the property is conducted in compliance with a relevant COVID-19 Safety Plan.

(2) In this section:

real estate agent has the same meaning as in the Property and Stock Agents Act 2002 (NSW).

relevant COVID-19 Safety Plan means a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist for auctions and open houses.

Part 3—Recording contact details

27 Direction concerning persons providing contact details

(1) The following persons must, if required to do so by the occupier of relevant premises, provide the person’s contact details to the occupier:

(a) a person entering premises to attend a significant event or religious service;
(b) a person consuming food or drink on premises that are food and drink premises, micro-breweries, small distilleries holding a drink on-premises authorisation under the ACT liquor legislation, or cellar door premises;
(c) a person entering the premises of a casino;
(d) a person entering the premises of a pub, a small bar or a registered club (including premises occupied by a racing club), but not if the person enters the premises solely for the purpose of collecting food or drink to consume off the premises.

(2) The occupier of the premises must require a person specified in subsection (1) to provide the person’s contact details directly to the occupier of the premises.

(3) The occupier of premises must:

(a) keep, for at least 4 weeks, a record of the contact details; and
(b) on request, provide the record to an emergency services officer as soon as practicable, but no later than 12 hours, after the request is made.

(4) If a service is conducted in an outdoor public place the person conducting or otherwise officiating at the service is taken to be the occupier of the premises.

(5) In this section:

contact details, of a person who entered premises mentioned in subsection (1), means:

(a) the person’s name; and
(b) the person’s telephone number or email address; and
(c) the time at which the person entered the premises.
Part 4—Prohibition on spitting and coughing

28 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).

Part 5—COVID-19 self-isolation

29 Direction—persons diagnosed with COVID-19 must self-isolate

(1) A diagnosed person must, immediately after receiving the diagnosis of COVID-19, travel directly to:
   (a) a residence or place that has been determined by a designated health practitioner to be suitable for the person to reside in; or
   (b) if determined by a designated health practitioner that it is necessary: a hospital for assessment by a medical practitioner.

(2) A diagnosed person referred to in paragraph (1)(b) must, immediately after leaving or being discharged from the hospital, travel directly to a residence or place that has been determined by a designated health practitioner to be suitable for the person to reside in.

(3) A diagnosed person referred to in paragraph (1)(a) and subsection (2) must reside at the residence or place until medically cleared.

(4) While residing at the residence or place determined under this Direction, the diagnosed person must do the following:
   (a) not leave the residence or place except:
(i) for the purposes of obtaining medical care or medical supplies; or
(ii) in any other emergency situation;
(b) not permit any other person to enter the residence or place unless:
   (i) that other person usually lives at the residence or place or the other
       person is also complying with a determination made under this
       Direction; or
   (ii) the entry is for medical or emergency purposes; or
   (iii) the entry is to a place (other than a residence) for the purpose of
         delivering food or essential items,
(c) otherwise comply with the NSW Health self-isolation guidelines for people
    diagnosed with COVID-19 infection.

30 Direction—close contacts of persons diagnosed with COVID-19 must self-
iso late

(1) A close contact must, if directed in writing to do so by an emergency services
    officer, immediately travel directly to a residence or to a place that has been
determined by the emergency services officer to be suitable for the close
contact to reside in.

(2) A close contact referred to in subsection (1) must reside at the residence or other
suitable place for the period of time, not exceeding 14 days, determined by the
emergency services officer and notified in writing to the close contact.

(3) A close contact referred to in subsection (1) who intends to reside at a place of
residence must provide the address of that place of residence and a contact
telephone number to the emergency services officer.

(4) While residing at the residence or place under a determination made under this
Direction, the close contact must do the following:
   (a) not leave the residence or place except:
       (i) for the purposes of obtaining medical care, including a test for
           COVID-19, or medical supplies; or
       (ii) in any other emergency situation;
   (b) not permit any other person to enter the residence or place unless:
       (i) that other person usually lives at the residence or place or the other
           person is also complying with a determination made under this
           Direction; or
       (ii) the entry is for medical or emergency purposes; or
       (iii) the entry is to a place (other than a residence) for the purpose of
            delivering food or essential items;
   (c) otherwise comply with the NSW Health self-isolation guidelines for close
      contacts.
Part 6—Border and entry

Division 1—Entry of affected persons from Victoria

31 Meaning of affected person

In this Division:

affected person means a person who has been in Victoria within the previous 14 days.

authorised to enter the Territory: see section 32.

32 Direction for affected persons not to enter the Territory

(1) An affected person must not enter the Territory unless the person is authorised to enter the Territory.

(2) For the purposes of this Direction, a person is authorised to enter the Territory if:

(a) the person belongs to a class of persons specified in the NSW Border Control Order (the relevant class); and

(b) the person holds a current NSW entry permit (if required for that relevant class in the NSW Border Control Order) with respect to entry of that person into New South Wales; and

(c) the person complies, as applicable, with the conditions specified for that relevant class in the NSW Border Control Order (the relevant conditions).

(3) A person accompanying an affected person (the accompanying person) who is authorised to enter the Territory, is also authorised to enter the Territory if:

(a) the affected person holds a current NSW entry permit with respect to entry of that person into New South Wales; and

(b) the accompanying person is:

(i) required to provide care or support to the affected person, or

(ii) a dependent of the affected person; and

(c) the accompanying person’s name is recorded on the affected person’s entry permit; and

(d) the accompanying person complies with the relevant conditions that apply to the affected person.

(4) An affected person or an accompanying person who is authorised to enter the Territory must comply with all conditions applicable to that person in accordance with Schedule 1 of the NSW Border Control Order while in the Territory, as though a reference to New South Wales (however expressed) in Schedule 1 of the NSW Border Control Order or a NSW entry permit given to the person was a reference to the Territory.

(5) Despite subsections (1) and (3), an affected person who is not a JBT resident and poses an unacceptable public health risk of transmission of COVID-19 must not enter the Territory if requested not to do so by an emergency services officer.
(6) For the avoidance of doubt, an affected person who is a JBT resident is authorised to enter the Territory, regardless of whether the person holds a current NSW entry permit or not.

33 Direction about potential affected person providing information for entry

(1) A person must, if required to do so by an emergency services officer, provide information (including photo identification) to allow a decision to be made about:
   (a) whether the person is an affected person; and
   (b) if the person is an affected person: whether the person is authorised to enter the Territory.

(2) An emergency services officer may require information under subsection (1) only if the officer suspects on reasonable grounds that the person may be an affected person.

(3) A person who provides information in response to requirement under this section must ensure that the information is true and accurate.

(4) A person provides sufficient information in response to a requirement under this section about whether the person is authorised to enter the Territory if the person produces:
   (a) a current NSW entry permit for inspection by the emergency services officer stating that the person is authorised to enter New South Wales; and
   (b) if requested by an emergency services officer, photographic identification to verify the person is the holder of the permit;
   (c) if requested by the emergency services officer, any certificate or documentary evidence the person is required to have as a condition of the person’s current NSW entry permit.

(5) An affected person who enters the Territory using a NSW entry permit must, when travelling or undertaking activities within the Territory, carry a copy of the permit while it remains in force so that it can be produced to an enforcement officer on request.

(6) A person who gives documentary evidence to an emergency services officer to comply with a request made under paragraph (4)(c) must not include in the evidence information that is false or misleading in a material particular.

34 Direction concerning affected persons required to self-isolate

(1) This section applies to an affected person authorised to enter the Territory if it is a condition of the affected person’s authority to enter New South Wales under the NSW Border Control Order that the affected person must self-isolate.

(2) The affected person to whom this section applies is to reside at the person’s usual place of residence or other suitable place of accommodation until the period of 14 days have elapsed since the person entered the Territory.

(3) While residing at the usual place of residence or suitable place of accommodation, an affected person must do the following:
(a) not leave the residence or accommodation except:
   (i) to obtain medical care or medical supplies; or
   (ii) to comply with a legal obligation or comply with an order or a court or tribunal; or
   (iii) in an emergency situation; or
   (iv) to provide a critical service; or
   (v) to leave the Territory by the most practicable direct route;

(b) not allow any other person to enter the residence or accommodation unless:
   (i) that other person usually lives at the place or the other person is also complying with an obligation under this Direction; or
   (ii) the entry is for medical or emergency purposes; or
   (iii) the entry is to a place (other than a residence) for the purposes of delivering food or essential items,

(c) otherwise comply with the NSW Health self-isolation guidelines for people suspected to have a COVID-19 infection.

(4) An affected person must, when not at the person’s usual place of residence or other suitable place of accommodation, take all reasonable steps to minimise contact with other persons.

(5) For the avoidance of doubt, this section applies to an affected person who is a JBT resident, regardless of whether the person holds a current NSW entry permit or not.

Note: An affected person who is a JBT resident must, upon returning to the Territory, self-isolate for 14 days in accordance with this section.

(6) For the purposes of this Direction, a requirement for a person to take the most practicable direct route does not prevent the person:
   (a) if the person is travelling by road:
      (i) obtaining fuel for the vehicle or other necessary supplies for the vehicle or a person in the vehicle; or
      (ii) taking a rest stop, including an overnight rest stop or meal break; or
      (iii) dealing with an emergency; or
   (b) if the person is travelling by air, rail or sea:
      (i) travelling directly to suitable accommodation while waiting to transit out of the State or Territory concerned if the person self-isolates until the transit; or
      (ii) dealing with an emergency.

35 Direction concerning affected persons leaving the Territory

An affected person who is not a JBT resident and is not authorised to enter the Territory must leave the Territory if asked to do so by an emergency services officer.

36 Other directions concerning affected persons

To avoid doubt, an affected person who is authorised to enter the Territory for the purposes of this Division must comply with any other provisions applicable
to the person under this Direction (including in respect of isolation under section 29 or 30).

Division 2—Entry of persons from other COVID-19 hotspots

37 Meaning of hotspot affected person

In this Division:

*hotspot affected person* means a person who is an affected person within the meaning of the ACT Interstate Hotspots Direction.

38 Direction about potential hotspot affected person providing information for entry

(1) A person must, if required to do so by an emergency services officer, provide information (including photo identification) to allow a decision to be made about whether the person is a hotspot affected person.

(2) An emergency services officer may require information under subsection (1) only if the officer suspects on reasonable grounds that the person may be a hotspot affected person.

(3) A person who provides information in response to requirement under this section must ensure that the information is true and accurate.

39 Direction concerning persons from other COVID-19 hotspots

(1) A hotspot affected person is to reside at the person’s usual place of residence or other suitable place of accommodation until the period of 14 days have elapsed since the person entered the Territory.

(3) While residing at the usual place of residence or suitable place of accommodation, the hotspot affected person must do the following:

(a) not leave the residence or accommodation except:
   (i) to obtain medical care or medical supplies; or
   (ii) to comply with a legal obligation or comply with an order or a court or tribunal; or
   (iii) in an emergency situation; or
   (iv) to provide a critical service; or
   (v) to leave the Territory by the most practicable direct route;

(b) not allow any other person to enter the residence or accommodation unless:
   (i) that other person usually lives at the place or the other person is also complying with an obligation under this Direction; or
   (ii) the entry is for medical or emergency purposes; or
   (iii) the entry is to a place (other than a residence) for the purposes of delivering food or essential items,

(c) otherwise comply with the NSW Health self-isolation guidelines for people suspected to have a COVID-19 infection.
(4) A hotspot affected person must, when not at the person’s usual place of residence or other suitable place of accommodation, take all reasonable steps to minimise contact with other persons.

(6) For the purposes of this Direction, a requirement for a person to take the most practicable direct route does not prevent the person:
   (a) if the person is travelling by road:
        (i) obtaining fuel for the vehicle or other necessary supplies for the vehicle or a person in the vehicle; or
        (ii) taking a rest stop, including an overnight rest stop or meal break; or
        (iii) dealing with an emergency; or
   (b) if the person is travelling by air, rail or sea:
        (i) travelling directly to suitable accommodation while waiting to transit out of the State or Territory concerned if the person self-isolates until the transit; or
        (ii) dealing with an emergency.

(7) A hotspot affected person who is not a JBT resident is not authorised to enter the Territory and must leave the Territory if asked to do so by an emergency services officer.

(8) This section does not apply to a hotspot affected person who:
   (a) has been quarantined in a State or the Australian Capital Territory for the previous 14 days since the person has been in the relevant COVID-19 hotspot and who provides documentary evidence to an emergency services officer that the person has completed the 14 day quarantine period; or
   (b) is providing an emergency or law enforcement service.

(9) In this section:

   COVID-19 hotspot has the same meaning as in the ACT Interstate Hotspots Direction.

40 Other directions concerning hotspot affected persons

To avoid doubt, a hotspot affected person must comply with any other provisions applicable to the person under this Direction (including in respect of isolation under section 29 or 30).

Part 7—Exemptions and enforcement

41 Exemptions

(1) Subject to subsection (2), 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) An emergency services officer may, in writing and subject to the conditions that the officer considers appropriate, exempt a person from the operation of
section 29 or 30 if satisfied it is necessary to protect the health and wellbeing of any member of the public.

(3) Subsection (1) does not apply to section 28.

42 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 the 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 or any other provision in this Direction.
### Schedule 1—Premises requiring COVID-19 Safety Plan

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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 but not a gathering on a vehicle being used as a party bus
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
13. a gathering 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
14. a gathering at premises that is necessary to provide the services of an early education and care facility

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).