

Australian Capital Territory

Public Health (Outdoor gatherings) Emergency Direction 2020

Notifiable Instrument NI2020–163

made under the

Public Health Act 1997, s 120 (Emergency actions and directions)

1. Name of instrument

This instrument is the *Public Health (Outdoor gatherings) Emergency Direction 2020*.

2. Commencement

This instrument commences 5.00pm on 19 March 2020.

3. Public Health Emergency Direction

I, Dr Kerryn Coleman, Chief Health Officer, consider it necessary or desirable to alleviate the emergency declared under the *Public Health (Emergency) Declaration 2020 (No 1)* [NI2020-153] (the **declared emergency**) on 16 March 2020, to give the directions as set out in the schedule.

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.

Dr Kerryn Coleman
Chief Health Officer

19 March 2020

Public Health Emergency Direction

Public Health Act 1997

*Made under the Public Health Act 1997,
section 120 (Emergency actions and directions)*

I, Dr Kerryn Coleman, Chief Health Officer, consider it reasonably necessary in order to protect public health and alleviate the public health emergency declared on 16 March 2020 to give the following directions pursuant to s120 of the *Public Health Act 1997* (ACT):

OUTDOOR GATHERINGS

The purpose of this Part is to prohibit non-essential outdoor gatherings.

Directions

1. From 5pm on 19 March 2020 until the conclusion of a declared public health emergency, a person who owns, controls or operates **premises** in the Australian Capital Territory must not allow an **outdoor gathering** to occur on the premises.
2. From 5pm on 19 March 2020 until the conclusion of a declared public health emergency, a person must not organise an outdoor gathering on premises in the Australian Capital Territory.
3. From 5pm on 19 March 2020 until the conclusion of a declared public health emergency, a person must not attend an outdoor gathering on premises in the Australian Capital Territory.

Definitions

For the purposes of the directions in paragraphs 1, 2 and 3:

4. **Premises** has the same meaning as the *Public Health Act 1997*.
5. An **outdoor gathering** is any gathering of five hundred (500) or more persons in a single undivided space at the same time in an outdoor space, but does **not** include a gathering:
 - a. at an airport that is necessary for the normal business of the airport;
 - b. for the purposes of or related to public transportation, including in vehicles or at public transportation facilities such as stations, platforms and stops;
 - c. at a medical or health service facility that is necessary for the normal business of the facilities;
 - d. for the purposes of emergency services;



- e. at a disability or aged care facility that is necessary for the normal business of the facility;
 - f. at a correctional centre, place of detention under the Children and Young People Act 2008 or other place of custody;
 - g. at a court or tribunal;
 - h. at the Legislative Assembly or Commonwealth Parliament for the purpose of its normal operations;
 - i. at a food market, supermarket, grocery store, retail store, shopping centre that is necessary for the normal business of those premises;
 - j. at an office building, factory or construction site that is necessary for the normal operation of those premises;
 - k. at a school, university, educational institution or childcare facility that is necessary for the normal business of the facility;
 - l. at a hotel or motel that is necessary for the normal operation of accommodation services;
 - m. at a place where five hundred (500) or more persons may be present for the purposes of transiting through the place; or
Example: Garema Place in Civic, Woden Bus Interchange.
 - n. that is specified as exempt from this direction by the Chief Health Officer in writing, or delivered by a person who has a social distancing policy approved in writing by the Chief Health Officer.
6. For the purposes of paragraph 5(k), a school event that involves members of the community in addition to staff and students is deemed not necessary for the normal business of the facility.

Note: The intended effect of paragraph 6 is that a school event that involves members of the community in addition to staff and students will be an outdoor gathering if it involves a gathering of five hundred (500) or more persons in a single undivided space at the same time. School events include assemblies, sporting events or parent-teacher events.

Note: the exclusions identified in paragraph 5 will be reviewed on a day to day basis and further directions are expected to be issued to remove some of the current exclusions.

PENALTIES

Section 120 (3) of the *Public Health Act 1997* 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).

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Dr Kerryn Coleman

Chief Health Officer

March 2020

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