

Public Health (Restricted Activities) Emergency Direction 2021 (No 1)

Notifiable Instrument NI2021–608

made under the

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

1. Name of instrument

This instrument is the *Public Health (Restricted Activities) Emergency Direction 2021 (No 1)*.

2. Commencement

This instrument commences at 12:00am on 15 October 2021.

3. Public Health Emergency Direction

I, Dr Kerry 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 this instrument.

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

This instrument revokes the *Public Health (Restricted Activities – Gatherings, Business or Undertakings) Emergency Direction 2021 (No 4)* [NI2021-405].

Dr Kerry Coleman
Chief Health Officer
14 October 2021



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 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 below.

Grounds for directions

I consider the directions are necessary or desirable to alleviate the **COVID-19** emergency on the grounds that—

- (a) **COVID-19** poses a serious public health risk to the Australian Capital Territory community; and
- (b) the Australian Capital Territory has experienced persistent community transmission since the introduction of **COVID-19** on 12 August 2021;
- (c) the Delta variant of **COVID-19** (labelled as a variant of concern) has proven challenging both nationally and internationally, demonstrating that elimination of the virus is not feasible and community transmission will continue as the Australian Capital Territory seeks to mitigate the impact of this public health risk;
- (d) it is important to limit the spread of **COVID-19** in the Australian Capital Territory community.

In making this Direction, I have had regard to relevant human rights and I am satisfied that the limitations imposed as a result of this Direction are both demonstrably justifiable in a free and democratic society.

PART 1 — FACE MASKS REQUIRED

A. Directions

1. When outside their **residence** a person must at all times:
 - a. carry a **face mask**; and
 - b. wear a **face mask**.
2. The requirement to carry and wear a **face mask** under paragraph 1 does not apply to:
 - a. infants and children under 12 years; or

Note: only children in Years 7 to 12 are required to wear a **face mask** at school. The wearing of face masks for primary students is at the discretion of the student and their parents/carers but is not recommended for children in early care and education centres.



- b. a person who has a physical or mental health illness or condition, or disability, which makes wearing a face mask unsuitable.
3. Despite paragraph 1, a person who is required to wear a **face mask** may remove the **face mask**:
- a. if the person is consuming food, drink or medicine; or
 - b. if the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - c. if the person is at work and the nature of the person's work or training means that wearing a **face mask** creates a risk to their health and safety; or
 - d. if it is necessary for the proper provision of the goods or service; or
 - e. if the person is asked to remove the **face mask** to ascertain identity; or
- Examples:** a person may be asked by police to remove a face mask to ascertain identity, or when purchasing alcohol or cigarettes.
- f. if the person is undertaking vigorous exercise; or
 - g. if the person is performing work in an **outdoor space** where no other people are present; or
 - h. if the person is performing work in an **indoor space**:
 - i. in an office where no other people are present; or
 - ii. in a seated position or standing position at a workstation in an office; and
 - iii. at least 1.5 metres from any other person;
- Note:** As soon as a person is no longer alone or seated or stationary that person must wear a **face mask**.
- i. if the person is alone or only with members of the same **household** in an **outdoor space** where no other people are present; or
 - j. if the person is in the process of getting married;
 - k. if the person is in a vehicle alone or with other members of the same **household** only;
 - l. if it is required or authorised by law; or
 - m. if it is not safe in all the circumstances; or
 - n. because of an emergency; or
 - o. if the person is seated at the premises of a **retail food service**.
4. A person who removes their **face mask** in a circumstance under paragraph 3 must resume wearing the **face mask** as soon as practicable after the circumstance ends.

Examples: a person must resume wearing a face mask as soon as they finish eating, or receiving medical care.



PART 2 — GATHERINGS

A. Directions

5. A person must not organise or attend a **gathering** in an **outdoor space** that exceeds 25 people.
6. A person must not organise or attend a **gathering** in an **indoor space** of **non-residential premises**.
7. This part does not apply if Part 3, Part 4, Part 5 or Part 6 of this Direction applies.

PART 3 — VISITORS AT RESIDENCES

A. Directions

8. This part applies to **gatherings** at a **residence** in the Australian Capital Territory.
9. The occupier of residential premises must not allow on the premises more than 5 people at one time who do not ordinarily live at the premises.
10. A person must not attend residential premises if there are more than 5 people at the premises at one time who do not ordinarily live at the premises.
11. In working out the 5 people for paragraphs 9 and 10, the following are not counted:
 - a. a person providing services to a person with disability to meet their support needs;
 - b. a person providing assistance, care or support to another person;
 - c. a person visiting a terminally ill relative;
 - d. a person attending for law enforcement or emergency purpose;
 - e. a person attending to comply with or give effect to the exercise of a power or function of a government agency or entity under a law;
 - f. a child under 12 years of age;
 - g. a child if they are accompanied by a parent or guardian and:
 - i. the child would otherwise be left unattended; and
 - ii. it would be unsafe for the child to be left unattended.
12. This part does not apply to the extent that Part 4 or Part 5 of this Direction applies.

PART 4 — RESTRICTED BUSINESSES, ACTIVITIES AND UNDERTAKINGS

B. Directions

13. This part applies to a person who owns, controls or operates a **restricted activity, business or undertaking** in the Australian Capital Territory.
14. A person who owns, controls or operates a **restricted activity, business or undertaking** must:
 - a. comply with the conditions for the business, activity or undertaking in column 2 of Attachment 1; and



- b. not allow a **gathering** that exceeds the occupancy limits listed for the business, activity or undertaking in column 3 of Attachment 1, where a worker does not count towards the occupancy limit except for item 15, column 3 of Attachment 1 where workers are counted in the occupancy limit; and
- c. develop and adhere to a **COVID-19 Safety Plan**; and
- d. produce the business, activity or undertaking's **COVID-19 Safety Plan** when requested by an **authorised person**;
- e. display a **sign** at the entrance to the premises, specifying the occupancy limit of the premises under this Direction; and

Note: Certain businesses, activities or undertakings must also comply with the directions relating to the Check In CBR app contained in the *Public Health (Check In Requirements) Emergency Direction 2021*.

- f. take all reasonable steps to:
 - i. ensure **social distancing** of people can be accommodated, implemented and monitored by employees or contractors of the business, activity or undertaking; and
 - ii. ensure workers are wearing masks in accordance with Part 1 of this Direction.

PART 5 — BUSINESSES AND UNDERTAKINGS THAT ARE NOT RESTRICTED BUSINESSES, ACTIVITIES AND UNDERTAKINGS

C. Directions

- 15. This part applies to a person who owns, controls or operates a business or undertaking in the Australian Capital Territory that is not mentioned in Attachment 1 of this Direction.
- 16. A person who owns, controls or operates a business or undertaking must:
 - a. take reasonable steps to not allow or organise a **gathering** in areas of a **non-residential premises** that are accessible to the public that exceeds the sum of:
 - i. 1 person per 4 square metres per **usable outdoor space**; and
 - ii. 1 person per 4 square metres per **usable indoor space**; and

Note: Businesses and undertakings must also comply with the *Work Health and Safety Act 2011* (ACT).

- b. take all reasonable steps to:
 - i. ensure **social distancing** of people can be accommodated, implemented and monitored by employees or contractors of the business, activity or undertaking; and
 - ii. ensure **workers** are wearing masks in accordance with Part 1 of this Direction.



PART 6 — VISITORS TO RESIDENTIAL AGED CARE FACILITIES

17. The **operator** of a **residential aged care facility** in the Australian Capital Territory must not allow more than 2 **visitors** to visit a resident of a **residential aged care facility** a day.

Note: visitors at residential aged care facilities are subject to the Public Health (Aged Care Workers and Visitors COVID-19 Vaccination) Emergency Direction 2021.

PART 7 — EXEMPTIONS

18. The Chief Health Officer may, in writing and subject to any conditions that the Chief Health Officer considers necessary, exempt a person from this Direction, or a stated requirement under this Direction, on compassionate or other grounds that the Chief Health Officer considers reasonable and appropriate.
19. If the Chief Health Officer exempts a person from this Direction, or a stated requirement under this Direction that person must comply with the conditions of the exemption.

PART 8 — MISCELLANEOUS

A. Directions

20. An **authorised person** may ask a person arriving at or in the Australian Capital Territory for any information necessary to determine whether the person is subject to this Direction.
21. Any person arriving at or in the Australian Capital Territory must comply with any request made under paragraph 20 by an **authorised person**.
22. An **authorised person** may direct a person who is subject to this Direction to do such things as are reasonably necessary to comply with this Direction.
23. Any person subject to this Direction must comply with any request under paragraph 23 by an **authorised person**.
24. If a person fails to comply with this Direction, an **authorised person** may direct the person to do such things as are reasonably necessary to comply with this Direction including to produce proof of identification to the **authorised person**.
25. If a person fails to comply with any direction given under paragraph 24, the **authorised person** may take all reasonable steps to enforce compliance with the direction.

Example – Closing a premises from which a business, activity or undertaking operates until such time as the business can demonstrate compliance with this Direction.

B. Guidance

26. Risk mitigation guidance is provided at Attachment 2 to this Direction. This guidance relates to all situations in which people are gathered together, whether included or excluded from the definition of **gathering**. It also relates to all businesses and undertakings, whether included or excluded from the definition of **restricted activity, business or undertaking**.



C. Definitions

For the purposes of this Direction:

27. **Authorised person** means an authorised person under section 121 of the *Public Health Act 1997* and includes an authorised medical officer under the *Public Health Act 1997*.
28. **Betting agency** means a TAB or KENO agency either in a stand-alone venue or within a licensed venue.
29. **Casino** has the same meaning as in the *Casino Control Act 2006*.
30. **Click and collect** means an arrangement where goods are purchased online or by phone, and collected using contactless means from the premises of a business, activity or undertaking, or delivered using contactless means to the purchaser.
31. **COVID-19** means the coronavirus disease 2019, caused by the novel coronavirus SARS-CoV-2.
32. **COVID-19 safety plan** means a plan in writing that addresses how a business or undertaking will manage its operations to minimise the risks posed to any person by **COVID-19** because of the operation of the business or undertaking.
33. **Face mask** means a mask or other covering that fits securely around the face and is designed or made to be worn over the nose and mouth to provide the wearer with protection against infection (but does not include a face shield).
Note: a scarf or bandana is not a face mask.
34. **Gathering**, except where otherwise provided in this Direction, means a group of 2 or more people occupying a single **usable indoor space** or **usable outdoor space** at the same time, but does not include a **gathering**:
 - a. at an airport that is necessary for the normal business of the airport; or
 - b. in relation to public transportation, including in public transport vehicles or at public transportation facilities such as stations, platforms and stops; or
 - c. for the purposes of or related to private transportation; or
 - d. at a medical or health service facility that is necessary for the normal business of the facility; or
 - e. in relation to providing support or care to a person with a disability; or
 - f. for emergency services purposes; or
 - g. for law enforcement purposes; or
 - h. at a disability or aged care facility that is necessary for the normal business of the facility; or
 - i. at a correctional centre, place of detention under the *Children and Young People Act 2008* or other place of custody; or
 - j. at a court or tribunal; or
 - k. at the Australian Capital Territory Legislative Assembly or Commonwealth Parliament for the purpose of its normal operations; or



- l. to attend at a restaurant or café to collect or deliver takeaway meals and beverages; or
 - m. at an office building or workplace factory, that is necessary for the normal operation of those premises; or
 - n. at a hotel or motel that is necessary for the normal operation of accommodation services.
- 35. A **household** means people who ordinarily reside at the same **residence**, including people staying at the **residence** temporarily from another state or territory.
- 36. **Hydrotherapy pool** means a heated swimming pool (heated to 33 to 36 degrees Celsius) for use by people receiving hydrotherapy, who use the pool to undergo that therapy either on their own or with assistance from another person.
- 37. **Indoor space** means an area, room or premises that is, or are, substantially enclosed by a roof and walls (of permanent solid construction and stretching from floor to ceiling), regardless of whether the roof or walls or any part of them are open or closed.
- 38. **Non-essential retailer** means a business, undertaking or activity involved in the sale of goods by retail or the supply of services by retail other than a **restricted activity, business or undertaking**, as follows:
 - a. markets that do not predominately sell food;
 - b. a motor vehicle, trailer and parts trading retailer;
 - c. a store based retailer, including:
 - i. furniture, floor coverings, houseware and textile goods retailers;
 - ii. electrical and electronic goods retailers;
 - iii. cosmetic and toiletry goods retailers;
 - iv. flower retailers;
 - v. garden centres and plant nurseries;
 - vi. kiosks;
 - vii. antique and used goods retailers,
 - d. a recreation goods retailer, including:
 - i. sport and camping equipment retailers;
 - ii. entertainment media retailers;
 - iii. toy and games retailers;
 - iv. book retailers;
 - v. marine equipment retailers,
 - e. a clothing, footwear and personal accessory retailers, including:
 - i. watch and jewellery retailers;
 - ii. other personal accessory retailers;
 - iii. clothing and footwear repair service services;
 - f. a department store.



39. **Non-residential premises** has the same meaning as premises in the *Public Health Act 1997* but does not include residential premises.
40. **On licence premises** means premises in relation to which any of the following licences is held under the *Liquor Act 2010*:
- a. an *on licence* subclass (other than a *nightclub licence*);
 - b. a *general licence*;
 - c. a *club licence*;
 - d. a *special licence*.
41. **Operator, of a residential aged care facility**, means a person who owns, controls or operates the **residential aged care facility**.
42. **Organised sporting activity** means sporting activities arranged through peak sporting organisations, community clubs, commercial providers or individual activities, and includes dance classes and training, but does not include dance performance or professional sport.
43. **Outdoor space** means a space that is not an indoor space or a part of a **residence**.
44. **Place of 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.
45. **Public passenger vehicle** means a public bus, light rail vehicle, taxi, rideshare vehicle, hire car or demand responsive service vehicle as defined in the *Road Transport (Public Passenger Services) Act 2001*.
46. **Residence**:
- a. means:
 - i. residential premises in the Australian Capital Territory that are used, or intended to be used as a principal place of residence, or home that a person primarily occupies on an ongoing and permanent basis; or
 - ii. the premises at which the person is staying on an ongoing basis; but
 - b. does not include a **residential aged care facility** or correctional centre, detention place or other place of custody.
47. **Residential aged care facility** means a facility at which accommodation, and personal care or nursing care or both, are provided to a person in respect of whom a residential care subsidy or a flexible care subsidy is payable under the *Aged Care Act 1997* (Cwlth).
48. **Restricted activity, business or undertaking** means a business or undertaking or other activity specified in column 1 of Attachment 1.



49. **Retail food services:**

- a. means a retail business which provides food and/or drink, whether pre-prepared or prepared on site, and includes **on licence premises**, cafés, canteens, restaurants and fast-food outlets;
- b. does not include:
 - i. a café or canteen at a hospital, residential aged care facility, correctional centre or school;
 - ii. a service that provides food or drink to those experiencing homelessness.

50. **Social distancing** means remaining at least 1.5 metres from other people.

51. **Usable** for an **indoor space** or **outdoor space** means the space that people can freely move around in, but not including the following areas:

- a. stages and similar areas;
- b. restrooms, changerooms and similar areas;
- c. areas occupied by fixtures, fittings, and displays; and
- d. staff only areas and areas that are closed off or not being used.

52. **Visitor** does not include a person visiting a resident in a professional capacity or a person described in Column 1 of Attachment A of the *Public Health (Aged Care Workers and Visitors COVID 19 Vaccination) Emergency Direction 2021*.

Example: Health professional.

D. Inconsistency with other directions

53. If there is any inconsistency between this Direction and any of the directions specified below, this Direction is inoperative to the extent of any inconsistency:

- a. the *Public Health (Diagnosed People and Close Contacts) Emergency Direction 2021*; and
- b. the *Public Health (Returned Travellers) Emergency Direction 2021*.

Dr Kerry Coleman

Chief Health Officer

14 October 2021



Penalties

Section 120 (4) 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).

Accessibility

If you have difficulty reading a standard printed document and would like an alternative format, please phone 13 22 81.



If English is not your first language and you need the Translating and Interpreting Service (TIS), please call 13 14 50.

For further accessibility information, visit: www.health.act.gov.au/accessibility

www.health.act.gov.au | Phone: 132281

© Australian Capital Territory, Canberra October 2021

Attachment 1 – Restricted businesses, activities or undertakings

Note: This Direction imposes requirements for all **restricted businesses, activities or undertakings**.

	Column 1 Restricted activity, business or undertaking	Column 2 Any additional conditions (other than those outlined in the Direction)	Column 3 Occupancy limit
1	Early childhood education and care (including out of school hours care)	<p>a. Must operate in accordance with the Health Guidelines for Schools and Early Childhood and Education Services as published at https://www.education.act.gov.au.</p> <p>b. Staff are permitted to attend the premises.</p> <p>c. Children are permitted to attend where it is unreasonable for the child to receive care from home.</p> <p>Example: A parent who is required to undertake work from home and cannot reasonably provide care for their children at the same time.</p>	

	Column 1 Restricted activity, business or undertaking	Column 2 Any additional conditions (other than those outlined in the Direction)	Column 3 Occupancy limit
2	Schools (preschool to year 12) and out of school hours care	<ul style="list-style-type: none"> a. Must operate in accordance with the Health Guidelines for Schools and Early Childhood and Education Services as published at https://www.education.act.gov.au. b. Staff are permitted to attend the premises. c. Children from year groups which are not yet permitted to return to on campus learning under the Health Guidelines for Schools and Early Childhood and Education Services may attend school in person if: <ul style="list-style-type: none"> i. their parents or carer are required to undertake work from home and cannot reasonably provide care for their children at the same time; or ii. the child/children are vulnerable. d. For essential activities that must be undertaken under supervision (eg Year 12 critical examinations). 	
3	Higher education and training	<ul style="list-style-type: none"> a. Remote learning only, except where essential instruction or learning activities cannot be adequately conducted remotely. b. Staff are permitted to attend the premises. 	The sum of 1 person per 4 square metres per usable outdoor space and usable indoor space .

	Column 1 Restricted activity, business or undertaking	Column 2 Any additional conditions (other than those outlined in the Direction)	Column 3 Occupancy limit
4	Places of worship		The lesser of the following: a. 25 people across the whole premises; b. the sum of 1 person per 4 square metres per of usable outdoor space and usable indoor space .
5	Weddings	a. So far as practicable, attendees must remain seated while eating and drinking.	The lesser of the following: a. 25 attendees; b. the sum of 1 person per 4 square metres per of usable outdoor space and usable indoor space . The couple getting married are not counted in working out the occupancy limit.
6	Funerals		The lesser of the following: a. 50 attendees; b. the sum of 1 person per 4 square metres per of usable outdoor space and usable indoor space .

	Column 1 Restricted activity, business or undertaking	Column 2 Any additional conditions (other than those outlined in the Direction)	Column 3 Occupancy limit
7	<ul style="list-style-type: none"> a. A gym, health club, fitness centre, wellness centre; or b. A centre providing yoga, pilates, barre or spin classes (except where the centre is a medical or health service facility mentioned in paragraph 34(d); or c. A bootcamp or personal trainer 	<ul style="list-style-type: none"> a. May not operate indoor classes and circuit sessions. b. Bootcamps, personal training and any outdoor classes and circuit session must operate outdoors only, and are subject Part 2, including the gathering limit. c. Weight training and use of other gym equipment permitted only if a supervising staff member is present at the premises. d. All equipment owned by the business must be cleaned after each individual use. e. The venue must display a sign at the entrance to each usable space, specifying the occupancy limit for the space under this Direction. f. Change rooms are to remain closed. 	<p>Where the business is operating indoors, the lesser of the following:</p> <ul style="list-style-type: none"> a. 25 people across the whole premises; b. the sum of 1 person per 4 square metres per of usable outdoor space and usable indoor space.

	Column 1 Restricted activity, business or undertaking	Column 2 Any additional conditions (other than those outlined in the Direction)	Column 3 Occupancy limit
8	<p>A swimming pool, but not to the extent that it is being used as a hydrotherapy pool</p> <p>Note: A hydrotherapy pool is subject to Part 5 of this Direction.</p>	<p>a. May operate:</p> <ul style="list-style-type: none"> i. to allow 2 people in each swimming lane; and ii. provide swimming lessons and training. <p>b. For the purposes of providing swimming lessons, more than 2 people are permitted in a swimming lane at any one time.</p> <p>c. Where swimming lesson attendee is a child, one adult per child may also attend the venue.</p> <p>d. The venue must display a sign at the entrance to each usable space, specifying the occupancy limit for the space under this Direction.</p> <p>e. Change rooms are to remain closed.</p>	<p>The lesser of the following:</p> <p>a. 25 people across:</p> <ul style="list-style-type: none"> i. the whole venue; or ii. each usable space where there is sufficient separation from all other usable spaces; <p>b. the sum of 1 person per 4 square metres per of usable outdoor space and usable indoor space.</p>
9	Dance classes	<p>a. Not permitted to operate.</p> <p>b. May permit no more than two people at any one time who work at the business, activity or undertaking to attend the premises for the purposes of filming, live streaming, or broadcasting to people.</p>	

	Column 1 Restricted activity, business or undertaking	Column 2 Any additional conditions (other than those outlined in the Direction)	Column 3 Occupancy limit
10	Retail food services	<ul style="list-style-type: none"> a. People must remain seated while eating and drinking. b. Dancing is not permitted. c. Food courts must: <ul style="list-style-type: none"> i. provide only takeaway meals or drinks, or a meal delivery service; and ii. take reasonable steps to ensure people leave the premises as soon as possible after collecting takeaway meals or drinks, or meal delivery services. <p>Note: A food court must not allow dine in customers.</p>	<ul style="list-style-type: none"> a. For businesses allowing people to be seated only in outdoor spaces, the lesser of the following: <ul style="list-style-type: none"> i. 50 people across the whole premises; ii. the sum of 1 person per 4 square metres per of usable outdoor space. b. For all other businesses, the lesser of the following: <ul style="list-style-type: none"> i. 25 people across the whole premises; ii. the sum of 1 person per 4 square metres per of usable outdoor space and usable indoor space.
11	Nightclubs	<ul style="list-style-type: none"> a. May operate as a bar only. b. Dancing is not permitted. 	<p>The lesser of 25 people across:</p> <ul style="list-style-type: none"> a. the whole venue; or b. the sum of 1 person per 4 square metres per of usable outdoor space and usable indoor space.
12	Strip club or brothel	<ul style="list-style-type: none"> a. Not permitted to operate. 	

	Column 1 Restricted activity, business or undertaking	Column 2 Any additional conditions (other than those outlined in the Direction)	Column 3 Occupancy limit
13	Gaming or gambling venues, casinos or a betting agency	<p>a. The venue must display a sign at the entrance to each usable space, specifying the occupancy limit for the space under this Direction.</p> <p>Note: If the venue is being used for the supply of liquor, service of a meal, an organised sporting activity, or another function/activity addressed separately in this Direction, the provisions relevant to those activities also need to be complied with.</p>	<p>The lesser of the following:</p> <ul style="list-style-type: none"> a. 25 people across the whole premises; b. the sum of 1 person per 4 square metres per of usable outdoor space and usable indoor space.
14	<ul style="list-style-type: none"> a. A hairdresser or barber; or b. A nail salon; or c. A tattoo or body modification studio; or d. A place that provides beauty therapy, tanning or waxing services; or e. A day spa or place that provides massage services, steam-based services (including saunas, steam rooms, steam cabinets and bathhouses) 		<p>The lesser of the following:</p> <ul style="list-style-type: none"> a. 5 people across the whole premises; b. the sum of 1 person per 4 square metres per of usable outdoor space and usable indoor space.

	Column 1 Restricted activity, business or undertaking	Column 2 Any additional conditions (other than those outlined in the Direction)	Column 3 Occupancy limit
15	Building and construction activities	<ul style="list-style-type: none"> a. Building and construction activities must adhere to the 'ACT Building and Construction Industry COVID-19 Requirements'. b. Residential building and construction (for Class 1 buildings) is permitted to operate provided that there is no interaction between workers and residents within premises that are occupied. c. Building and construction for occupied residential apartments permitted to undertake outdoor work only. 	<ul style="list-style-type: none"> a. The lesser of the following: <ul style="list-style-type: none"> i. 10 workers across the whole site; ii. the sum of 1 worker per 4 square metres of usable outdoor space and usable indoor space. b. Concreting works can be undertaken for an occupied and unoccupied premises with the minimum number of concreters required for work, health and safety reasons.
16	A gallery, museum, national institution or historic site	<ul style="list-style-type: none"> a. Not permitted to open to the public. b. Workers who cannot reasonably work from home may attend the premises to work. 	
17	Musical rehearsals, including for choirs, bands and orchestras	<ul style="list-style-type: none"> a. Not permitted to operate. 	
18	An event performance in any indoor location, including venues such as a concert venue, theatre, arena or auditorium	<ul style="list-style-type: none"> a. Not permitted to open to the public. 	Up to 25 people may attend the premises for the purposes of filming, live streaming, or broadcasting a performance.

	Column 1 Restricted activity, business or undertaking	Column 2 Any additional conditions (other than those outlined in the Direction)	Column 3 Occupancy limit
19	Outdoor entertainment and event venues, such as stadiums, concert arenas, except where the venue is being used for an event mentioned in item 28	b. Not permitted to operate.	
20	Conference or convention venue	a. Not permitted to operate.	
21	a. Cinema or movie theatre b. Open-air drive in cinema	a. Not permitted to operate.	
22	Libraries		The lesser of the following: a. 25 people across the whole premises; b. the sum of 1 person per 4 square metres for each usable outdoor space and usable indoor space .
23	Community centre, community facility or youth centre	a. Sports held indoors at the venue are not permitted.	The lesser of the following: c. 25 people across the whole venue; d. the sum of 1 person per 4 square metres for each usable outdoor space and usable indoor space .

	Column 1 Restricted activity, business or undertaking	Column 2 Any additional conditions (other than those outlined in the Direction)	Column 3 Occupancy limit
24	Real estate services	<p>May only operate:</p> <ul style="list-style-type: none"> a. to allow one agent to conduct property inspections provided that: <ul style="list-style-type: none"> i. the inspection is of a property that is for rent or sale; and ii. the inspection is undertaken by private appointment only; and iii. the inspection is conducted with either one person or more than one person if they are all from the same household; and iv. where no other people are present at the time of the inspection, including the residents of the house; or b. to permit property inspections required by law for the sale of a property to proceed; or c. to allow one or more persons to photograph or film a property, where there are no other persons present; or d. for an unoccupied residence, to allow up one or more property stylists to attend the residence to style the residence prior to sale; or e. to allow an outdoor auction. 	<p>For an outdoor auction, the lesser of the following:</p> <ul style="list-style-type: none"> a. 25 people; b. 1 person per 4 square metres for each useable outdoor space.

	Column 1 Restricted activity, business or undertaking	Column 2 Any additional conditions (other than those outlined in the Direction)	Column 3 Occupancy limit
25	Auction houses		The lesser of the following: <ul style="list-style-type: none"> a. 25 people across the whole venue; b. the sum of 1 person per 4 square metres for each usable outdoor space and usable indoor space.
26	Any of the following: <ul style="list-style-type: none"> a. hardware and building supplies; or b. agricultural and rural supplies; or c. a pet store; or d. businesses that predominantly sell essential office supplies. 	<ul style="list-style-type: none"> a. May operate: <ul style="list-style-type: none"> i. a click and collect service; and ii. a booking system for allowing customers to enter the premises for the purposes of shopping. e. When providing a booking service, must ensure that it does not facilitate a gathering outside the business, as far as practicable to do so. f. Trades customers are permitted to enter businesses which sell hardware and building supplies without a booking. 	<p>For a click and collect service, the sum of 1 person per 4 square metres for each usable outdoor space and usable indoor space.</p> <p>For a booking service, no more than 2 customers from the same household to enter the premises at one time, not including children under 12 years of age.</p>

	Column 1 Restricted activity, business or undertaking	Column 2 Any additional conditions (other than those outlined in the Direction)	Column 3 Occupancy limit
27	Non-essential retailer	<p>a. May operate:</p> <ul style="list-style-type: none"> iii. a click and collect service; and iv. a booking system for allowing customers to enter the premises for the purposes of shopping. <p>b. Click and collect services must be operated in accordance with the 'Click and Collect Services for Non Essential Retailers – COVID-19 Requirements' in Attachment 3, or otherwise provide goods or services by contactless means.</p> <p>c. When providing a booking service, must ensure that it does not facilitate a gathering outside the business, as far as practicable to do so.</p>	<p>For a click and collect service, the sum of 1 person per 4 square metres for each usable outdoor space and usable indoor space.</p> <p>For a booking service, no more than 2 customers from the same household to enter the premises at one time, not including children under 12 years of age.</p>
28	Organised sporting activity	<ul style="list-style-type: none"> a. Outdoor training permitted. b. Indoor training not permitted. c. Use of shared equipment should be minimised. d. Where training attendee is a child, one adult per child may also attend the venue, with adults being counted in the occupancy limit. 	<p>The lesser of the following:</p> <ul style="list-style-type: none"> a. 25 people in each useable outdoor space; b. 1 person per 4 square metres for each useable outdoor space.

	Column 1 Restricted activity, business or undertaking	Column 2 Any additional conditions (other than those outlined in the Direction)	Column 3 Occupancy limit
29	An indoor or outdoor play centre, or an indoor arcade or amusement centre	a. Indoor venues not permitted to operate. b. Outdoor venues are permitted to operate. Note: If the venue is being used for the supply of liquor, service of a meal, an organised sporting activity , or another function/activity addressed separately in this Direction, the provisions relevant to those activities also need to be complied with.	The lesser of the following: a. 25 people in each useable outdoor space ; b. 1 person per 4 square metres for each useable outdoor space .
30	Tours and tour transport, including walking tours, cycling tours, and tour buses	a. Outdoor tours permitted. b. Indoor tours not permitted. c. Tour transport not permitted to operate.	The lesser of the following: a. 25 people; b. 1 person per 4 square metres for each useable outdoor space .

Attachment 2 – Risk Mitigation Guidance

This Direction should be read in conjunction with the guidance material prepared by the Chief Health Officer, including the COVID Safe Event Protocol and guidance material about how to prepare a COVID-19 Safety Plan, which are available at www.covid19.act.gov.au.

It is suggested that, as far as reasonably practicable, the following risk mitigation measures be applied to gatherings of 2 people or more:

- Hand hygiene products and suitable waste receptacles should be available, to allow for frequent cleaning and waste disposal;
- Wherever possible promote physical distancing of at least 1.5 metres between groups of people not known to each other, and physical contact should be avoided wherever possible, taking reasonable steps to require this when patrons are queuing outside a venue;
- The occupancy allowance should be displayed at the entrance of each venue or space;
- The recommendations for unwell individuals to remain at home and not attend gatherings should be promoted and displayed prominently so that they can be seen and read easily by a person at or near an entrance to the indoor space;
- If businesses choose to have self-serve buffets, they must implement additional risk mitigation measures, and ensure that they are documented in the COVID-19 Safety Plan for the business. Some important considerations will include:
 - Ensure that self-serve buffets are appropriately supervised by staff, particularly during busy periods;
 - Ensure that hand sanitiser is available and used by patrons prior to using the self-serve buffet;
 - Regularly replace any shared utensils with clean ones. This could be done at least every hour and more regularly during busy periods;
- Businesses should continue to avoid offering communal snacks;
- Any communal condiments should be wiped down on a regular basis, and more so during busy periods;
- Where activities involve the use of equipment, that equipment should be regularly cleaned and, where practicable, not be shared by people other than members of the same household.
- Where required to take reasonable steps to ensure patrons record their attendance using the Check In CBR App, the following measures are taken:
 - Actively monitoring points of entry;
 - Requesting to see confirmation from a patron that they have recorded their attendance using the Check In CBR App; and
 - Clear signage or messaging to customers of the need to record their attendance using the Check In CBR App



CLICK AND COLLECT SERVICES FOR NON-ESSENTIAL RETAILERS

COVID-19 Requirements
October 2021

covid19.act.gov.au



ACT
Government



Contents

Purpose	3
Click and Collect Services.....	3
About COVID-19.....	4
Overarching protocols	5
COVID Safety Plan	6
Staff Induction and Training.....	7
Click and Collect at Premises.....	7
Delivery to a vehicle.....	8
Compliance	8

Purpose

The COVID-19 Requirements (the Requirements) for click and collect services for non-essential retail businesses in the ACT provide direction to employers and employees in managing risk relating to COVID-19 in the performance of these services.

The purpose of these Requirements is to:

- > Provide direction to employers and workers
- > Outline the steps to be taken to best provide a safe and healthy environment, and
- > Support the safety of our community during the pandemic.

Arrangements for essential retailers are covered by restrictions contained in [Public Health Directions](#).

These Requirements will be regularly updated to reflect changes from Government announcements, directions of the ACT Chief Health Officer and best practices.

Click and Collect Services

For the purposes of these Requirements, click and collect services includes:

- > A facility whereby a customer can buy or order goods on-line and collect them from a premises identified by the seller. It can involve customers picking up goods from a collection point or delivery of goods to a customer's vehicle.
- > Fulfillment of online orders by sellers being in the business premises or warehouse facility to package, dispatch and/or deliver goods, including subsequent delivery of goods if done by the business itself.

About COVID-19

A coronavirus infection can cause mild to severe respiratory illness. COVID-19 can spread from person to person through:

- > close contact with an infectious person, including in the 24 hours before they started showing symptoms
- > contact with droplets from an infected person's cough or sneeze
- > touching objects or surfaces (like doorknobs or tables) that have cough or sneeze droplets from an infected person and then touching your mouth or face.

This means that COVID-19 can spread widely and quickly. People can protect themselves from COVID-19 by [getting vaccinated](#) if they are eligible, practising physical distancing, hand hygiene and wearing a mask.

The main symptoms of COVID-19 are:



fever



cough



sore throat



shortness
of breath



loss of smell
or taste



runny or
blocked nose

Less common symptoms are a runny or blocked nose, muscle pain, joint pain, diarrhoea, nausea, headache, vomiting, loss of appetite, fatigue. Symptoms can develop between two to 14 days after you are exposed to the virus. More information about Symptoms and when to get tested can be found at [Stay safe and healthy - COVID-19](#).

*The latest information about COVID-19, including current restrictions and COVID safety, is at **covid19.act.gov.au**. It is important to stay up-to-date on changes and current Public Health Directions.*

Ongoing →



Maintain good
hand hygiene



Keep your
distance



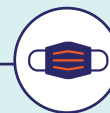
Stay home if unwell
and get tested



Check In for
contact tracing



Monitor
travel advice



Wear a
face mask



COVID safe
plan

Overarching protocols

Unless otherwise required in the Public Health Direction, the following protocols are required as a minimum:

- > Contactless or online payments are the preferred payment method. If using a mobile EFTPOS machine, the following should occur:
 - Have a supervised mobile eftpos machine close to where collection of goods takes place – tap function should be preferred, but if not possible, encourage good hand hygiene and wipe down the machine after each use.
 - The machine should not be handed between employees and customers – it could be left on a table and then wiped down by an employee when required.
- > Staff members must wear masks at all times and maintain physical distance of at least 1.5 metres between staff members and all customers.
- > Contactless collection and delivery is required for all transactions.
- > All businesses must have a COVID Safety Plan that is regularly updated and available on request, with identified person(s) being responsible for ensuring it is implemented and monitored on site.
 - The COVID Safety Plan must specifically address each premises and the click and collect activities to be undertaken.
 - The use of COVID Marshals is encouraged.
 - Smaller businesses can develop their COVID Safety Plan by using the [COVID-19 Safety Checklist for Small Businesses](#).
- > Employers must encourage people to stay home if unwell and get tested if experiencing symptoms of COVID-19, no matter how mild. This applies to both staff and visitors attending the premises.
- > Use of the Check-in CBR app is mandatory for all staff and customers who enter the premises. While not mandatory, it is also recommended that Check-in CBR is used by customers who do not physically enter the premises and/or remain in their vehicle.
- > Observe staffing limits in the Public Health Direction, with density requirements of one person per four square metres for each space to be observed.
- > Where possible, teams should not co-mingle on site and access to, and time spent in, shared spaces should be minimised or carefully managed.
 - Common areas, and all frequently touched surfaces and equipment, should be wiped down regularly with appropriate cleaning and sanitising disinfectants.
- > Where possible, the collection point(s) for goods should be situated in a prominent location outside the store and in view of a CCTV camera, with appropriate lighting and security measures in place.



COVID Safety Plan

All retailers offering click and collect services are required to have a site specific COVID Safety Plan. Guidelines for the preparation of a COVID Safety Plan is part of the Business Resource Kit at covid19.act.gov.au/signs-and-factsheets. Small businesses may also wish to refer to the [COVID-19 Safety Checklist for Small Businesses](#).

COVID Safety Plans must be regularly reviewed. Workers should be consulted in the development and review of the COVID Safety Plans and given the opportunity to be consulted about the risks to their safety.

At a minimum, the COVID Safety Plan must outline:

- > How physical distancing between staff and customers will be maintained.
- > Safe movement of people and traffic for each site, including, where appropriate, traffic management plans and movement to and from collection points (including managing customers who are waiting).
 - Traffic management plans must be developed for click and delivery to vehicle activities.
- > Cleaning, sanitising and hygiene requirements, including correct use of Personal Protective Equipment.
- > Management of workers and visitors that may be displaying symptoms or have come into contact with COVID-19, including but not limited to:
 - screening processes for employees, including obtaining assurances that employees:
 - are free of COVID-19 symptoms
 - have not, in the preceding 14 days been in contact with a confirmed case of COVID-19, and
 - have not been identified as a close or casual contact, have not visited a close or casual contact site as listed on the covid19.act.gov.au website and have not been directed to self-isolate or self-quarantine by ACT Health or any other jurisdiction.
 - Process for managing staff who are identified as a close or casual contact
 - Process for management of people presenting as unwell or displaying symptoms
 - Screening should be conducted while maintaining safe distances, over the phone before entering site, on a mobile app, via text message system, or other non-contact methods. It is advisable to have a system that limits the sharing of pens/ notebooks/ computers etc during the screening process.
- > Use of Check-in CBR app for staff and customers.
- > The use of appropriate signage (for staff and customers).
- > Arrangements for delivery drivers, if relevant (noting information is available at [Delivery drivers - Safe Work Australia](#)).
- > Record keeping requirements.



Staff Induction and Training

All staff are to be inducted in the measures contained in the current COVID Safety Plan and re-inducted every time the COVID Safety Plan changes. Records are to be kept of staff induction activities.

All staff are to undertake relevant training necessary to implement the COVID Safety Plan, including in infection control. Records are to be kept of the training undertaken.

Click and Collect at Premises

In addition to the overarching protocols, the following practices should be adopted for click and collect services involving a customer picking up goods from a business premises:

- > Businesses should use an appointment system with customers being provided a designated time, date and place of collections to manage the flow of people at a premises.
 - Wait times and queues for customers are to be minimised.
- > If attending for click and collect, customers are not to enter stores for any purposes and stores should be clearly closed off for customers with appropriate signage in place that the store is not open to customers.
 - Customers must not enter the store for shopping, browsing, self-selection or trying on goods.
- > Physical barriers, for example tables and temporary plexiglass screens, are to be put in place at the point of collection to maintain physical distance of 1.5 metre between staff and customers.
 - Need to ensure that any barriers do not create fire safety and exit point risks, or impact on access for people with a disability.
- > Click and collect pick-up locations should be clearly marked, with physical barriers where possible, to maintain physical distancing and minimise the risk of customers co-mingling.
 - There should be clearly marked waiting areas so customers know where to wait and clear signage in place to indicate movement and spacing requirements.
- > Hand sanitiser should be located at collection points for customer use.
- > Staff and customers are to wear face masks at all times.
- > Check-in CBR QR codes should be prominently displayed and check in visually verified by staff prior to collection of goods.
- > Clear signage indicating the collection point and delivery protocols should be displayed.



Delivery to a vehicle

- > Deliveries can be made directly to a customer's vehicle by pre-arrangement.
- > The use of the Check-in CBR is encouraged for vehicle collections.
- > Customers should remain in vehicles at all times with face masks on, including after the worker places the items in the boot and moves away from the vehicle.
- > There must be a way to identify the customer and the car without close interaction.
- > Goods cannot be handed directly from a staff member to a customer.
- > If a customer alights the vehicle, physical distancing and mask wearing must be strictly adhered to.
- > If a customer chooses to load goods into a vehicle, staff should not assist the customer and physical distancing and hand hygiene is to be maintained at all times.
- > Where there are multiple parking bays for click and collect processes, there should be:
 - clear identification of which parking bay the customer should park in or collect licence plate information to minimise contact between the customer and the worker, and
 - a minimum of one parking space should be left between each bay to allow for social distancing between vehicles where goods are being delivered to.
- > Parking bays for delivery to vehicles should be located as close as possible to the premises to limit workers' travel through centres/areas and contact with other people in public places.



Compliance

The business may be directed to cease trading until it demonstrates compliance if there is:

- > deliberate or wilful non-compliance; or
- > ongoing disregard for health directions; or
- > there is not a current and compliant COVID Safety Plan in existence.

Nothing within these guidelines removes obligations for other regulatory requirements such as Work Health and Safety, fire safety or the Building code.

