

Australian Capital Territory

# Public Health (Restricted Activities) Emergency Direction 2021 (No 5)

Notifiable Instrument NI2021–637

made under the

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

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## 1. Name of instrument

This instrument is the *Public Health (Restricted Activities) Emergency Direction 2021 (No 5)*.

## 2. Commencement

This instrument commences at 3:00pm on 29 October 2021.

## 3. Public Health Emergency Direction

I, Dr Vanessa Johnston, Acting 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) Emergency Direction 2021 (No 4)* [NI2021-636].

Dr Vanessa Johnston  
Acting Chief Health Officer  
29 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 Vanessa Johnston, Acting Chief Health Officer, consider it necessary or desirable to alleviate the declared emergency 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;
- (b) the Australian Capital Territory has experienced persistent community transmission since the outbreak of the Delta variant of **COVID-19**, in the Australian Capital Territory 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.

*Note: People attending certain non-residential premises are subject to the **Public Health (Mandatory Face Masks) Emergency Direction 2021 (No 4)**.*

## PART 1 — GATHERINGS

### A. Directions

2. A person must not organise or attend a **gathering** in an **outdoor space** that exceeds 30 people.
3. This part does not apply if Part 2, Part 3, Part 4, or Part 5 of this Direction applies.



## PART 2 — VISITORS AT RESIDENCES

### A. Directions

4. This part applies to **gatherings** at a **residence** in the Australian Capital Territory.
5. The occupier of residential premises must not allow more than 10 people who do not ordinarily live at the premises to enter and remain at the premises at one time.
6. A person must not attend residential premises if there are 10 or more people at the premises at one time who do not ordinarily live at the premises.
7. In working out the 10 people for paragraphs 5 and 6, 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.
8. This part does not apply to the extent that Part 3 or Part 4 of this Direction applies.

## PART 3 — RESTRICTED BUSINESSES, ACTIVITIES AND UNDERTAKINGS

### A. Directions

9. This part applies to a person who owns, controls or operates a **restricted activity, business or undertaking** in the Australian Capital Territory.
10. 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**; and



- 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 (No 2)*.

- 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 *Public Health (Mandatory Face Masks) Emergency Direction 2021 (No 4)*.

## PART 4 — BUSINESSES AND UNDERTAKINGS THAT ARE NOT RESTRICTED BUSINESSES, ACTIVITIES AND UNDERTAKINGS

### B. Directions

- 11. 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.
- 12. 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 2 square metres per **usable outdoor space**; and
    - ii. 1 person per 4 square metres per **usable indoor space**;

where a worker does not count towards the occupancy limit.

**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 the *Public Health (Mandatory Face Masks) Emergency Direction 2021 (No 4)*.



## PART 5 — VISITORS TO RESIDENTIAL AGED CARE FACILITIES

13. 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** at any one time.

**Note:** visitors at residential aged care facilities are subject to the *Public Health (Aged Care Workers and Visitors COVID-19 Vaccination) Emergency Direction 2021 (No 3)*.

## PART 6 — EXEMPTIONS

14. 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.
15. 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 7 — MISCELLANEOUS

### A. Directions

16. 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.
17. Any person arriving at or in the Australian Capital Territory must comply with any request made under paragraph 16 by an **authorised person**.
18. 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.
19. Any person subject to this Direction must comply with any request under paragraph 18 by an **authorised person**.
20. 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**.
21. If a person fails to comply with any direction given under paragraph 20, 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

22. 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:

23. **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*.
24. **Betting agency** means a TAB or KENO agency either in a stand-alone venue or within a licensed venue.
25. **Casino** has the same meaning as in the *Casino Control Act 2006*.
26. **COVID-19** means the coronavirus disease 2019, caused by the novel coronavirus SARS-CoV-2.
27. **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.
28. **End of year event** means a school graduation, formal, or end of year ceremony, concert or assembly.
29. **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**:
- at an airport that is necessary for the normal business of the airport; or
  - in relation to public transportation, including in public transport vehicles or at public transportation facilities such as stations, platforms and stops; or
  - for the purposes of or related to private transportation; or
  - at a medical or health service facility that is necessary for the normal business of the facility; or
  - in relation to providing support or care to a person with a disability; or
  - for emergency services purposes; or
  - for law enforcement purposes; or
  - at a disability or aged care facility that is necessary for the normal business of the facility; or
  - at a correctional centre, place of detention under the *Children and Young People Act 2008* or other place of custody; or
  - 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 school, university, educational institution or childcare facility that is necessary for the normal business of the facility; or
  - o. at a hotel or motel that is necessary for the normal operation of accommodation services.
30. For paragraph 29(n), a school event that involves members of the community in addition to staff and students is not necessary for the normal business of the facility unless the event is an **end of year event**.
31. A **household** means people who ordinarily reside at the same **residence**, including people staying at the **residence** temporarily from another state or territory.
32. **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.
33. **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.
34. **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.
35. **Non-residential premises** has the same meaning as premises in the *Public Health Act 1997* but does not include residential premises.
36. **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*.
37. **Operator, of a residential aged care facility**, means a person who owns, controls or operates the **residential aged care facility**.
38. **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.
39. **Outdoor space** means a space that is not an indoor space or a part of a **residence**.
40. **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.
41. **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*.
42. **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.
43. **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).
44. **Restricted activity, business or undertaking** means a business or undertaking or other activity specified in column 1 of Attachment 1.





45. **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.

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

47. **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.

48. **Visitor** has the same meaning as in the *Public Health (Aged Care Workers and Visitors COVID-19 Vaccination) Emergency Direction 2021 (No 3)*

**D. Inconsistency with other directions**

49. 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 Vanessa Johnston**

Acting Chief Health Officer

29 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

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## Attachment 1 – Restricted businesses, activities or undertakings

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

	<b>Column 1 Restricted activity, business or undertaking</b>	<b>Column 2 Any additional conditions (other than those outlined in the Direction)</b>	<b>Column 3 Occupancy limit</b>
<b>1</b>	Early childhood education and care (including out of school hours care)	a. Must operate in accordance with the Health Guidelines for Schools and Early Childhood and Education Services as published at <a href="https://www.education.act.gov.au">https://www.education.act.gov.au</a> .	
<b>2</b>	Schools (preschool to year 12) and out of school hours care	a. Must operate in accordance with the Health Guidelines for Schools and Early Childhood and Education Services as published at <a href="https://www.education.act.gov.au">https://www.education.act.gov.au</a> .  b. <b>End of year events</b> are permitted only if the event is operated in accordance with guidance material endorsed by the Chief Health Officer and published by the school or care operator.	
<b>3</b>	Higher education and training	a. Gradual return to on campus learning in line with the organisation's <b>COVID-19 safety plan</b> .	The sum of 1 person per 4 square metres per <b>usable indoor space</b> .

	<b>Column 1 Restricted activity, business or undertaking</b>	<b>Column 2 Any additional conditions (other than those outlined in the Direction)</b>	<b>Column 3 Occupancy limit</b>
<b>4</b>	<b>Places of worship</b>		The greater of the following: a. 25 people across the whole premises; b. the sum of: i. 1 person per 2 square metres for each <b>usable outdoor space</b> up to 300 people; and; ii. 1 person per 4 square metres for each <b>usable indoor space</b> .
<b>5</b>	Weddings	a. Attendees must remain seated while eating and drinking in <b>indoor spaces</b> .	The greater of the following: a. 25 people across the whole premises; b. the sum of: i. 1 person per 2 square metres for each <b>usable outdoor space</b> up to 300 people; and ii. 1 person per 4 square metres for each <b>usable indoor space</b> .

	<b>Column 1 Restricted activity, business or undertaking</b>	<b>Column 2 Any additional conditions (other than those outlined in the Direction)</b>	<b>Column 3 Occupancy limit</b>
<b>6</b>	Funerals		The greater of the following: <ul style="list-style-type: none"> <li>a. 25 people across the whole premises;</li> <li>b. the sum of: <ul style="list-style-type: none"> <li>i. 1 person per 2 square metres for each <b>usable outdoor space</b> up to 300 people; and</li> <li>ii. 1 person per 4 square metres for each <b>usable indoor space</b>.</li> </ul> </li> </ul>
<b>7</b>	<ul style="list-style-type: none"> <li>a. A gym, health club, fitness centre, wellness centre; or</li> <li>b. A centre providing yoga, pilates, barre or spin classes (except where the centre is a medical or health service facility mentioned in paragraph 28(d); or</li> <li>c. A bootcamp or personal trainer</li> </ul>	<ul style="list-style-type: none"> <li>a. All equipment owned by the business must be cleaned after each individual use.</li> <li>b. The venue must display a <b>sign</b> at the entrance to each <b>usable space</b>, specifying the occupancy limit for the space under this Direction.</li> </ul>	<p>For a class in an <b>indoor space</b>, the lesser of the following:</p> <ul style="list-style-type: none"> <li>a. 20 people;</li> <li>b. 1 person per 4 square metres for each <b>usable indoor space</b>.</li> </ul> <p>For all other activities, the greater of the following:</p> <ul style="list-style-type: none"> <li>a. 25 people across the whole premises;</li> <li>b. the sum of: <ul style="list-style-type: none"> <li>i. 1 person per 2 square metres for each <b>usable outdoor space</b> up to 300 people; and</li> <li>ii. 1 person per 4 square metres for each <b>usable indoor space</b>.</li> </ul> </li> </ul>

	<b>Column 1 Restricted activity, business or undertaking</b>	<b>Column 2 Any additional conditions (other than those outlined in the Direction)</b>	<b>Column 3 Occupancy limit</b>
<b>8</b>	<p>A swimming pool, but not to the extent that it is being used as a <b>hydrotherapy pool</b></p> <p><b>Note:</b> A <b>hydrotherapy pool</b> is subject to Part 4 of this Direction.</p>	<p>a. The venue must display a <b>sign</b> at the entrance to each <b>usable space</b>, specifying the occupancy limit for the space under this Direction.</p>	<p>The greater of the following:</p> <p>a. 25 people across the whole premises;</p> <p>b. the sum of:</p> <p>i. 1 person per 2 square metres for each <b>usable outdoor space</b> up to 500 people; and</p> <p>ii. 1 person per 4 square metres for each <b>usable indoor space</b>.</p>
<b>9</b>	Dance classes		<p>For a class in an <b>indoor space</b>, the lesser of the following:</p> <p>a. 20 people;</p> <p>b. 1 person per 4 square metres for each <b>usable indoor space</b>.</p>

	<b>Column 1 Restricted activity, business or undertaking</b>	<b>Column 2 Any additional conditions (other than those outlined in the Direction)</b>	<b>Column 3 Occupancy limit</b>
<b>10</b>	<b>Retail food services</b>	<ul style="list-style-type: none"> <li>a. People must remain seated while eating and drinking in an <b>indoor space</b>.</li> <li>b. Dancing is not permitted.</li> <li>c. Food court operators, with a capacity of more than 200 people (at one person per four square metres) must submit their <b>COVID safety plan</b> to ACT Health by 12 November 2021 for endorsement by the Chief Health Officer.</li> <li>d. The venue must display a <b>sign</b> at the entrance to each <b>usable space</b>, specifying the occupancy limit for the space under this Direction.</li> </ul>	<p>For a food court, 1 person per 4 square metres for each <b>usable indoor space</b>.</p> <p>For all other <b>retail food services</b>, the greater of the following:</p> <ul style="list-style-type: none"> <li>a. 25 people across the whole premises;</li> <li>b. the sum of: <ul style="list-style-type: none"> <li>i. 1 person per 2 square metres for each <b>usable outdoor space</b> up to 300 people; and</li> <li>ii. 1 person per 4 square metres for each <b>usable indoor space</b>.</li> </ul> </li> </ul>
<b>11</b>	Nightclubs	<ul style="list-style-type: none"> <li>a. May operate as a bar only.</li> <li>b. People must remain seated while eating and drinking in an <b>indoor space</b>.</li> <li>c. Dancing is not permitted.</li> <li>d. The venue must display a <b>sign</b> at the entrance to each <b>usable space</b>, specifying the occupancy limit for the space under this Direction.</li> </ul>	<p>The greater of the following:</p> <ul style="list-style-type: none"> <li>a. 25 people across the whole premises;</li> <li>b. the sum of: <ul style="list-style-type: none"> <li>i. 1 person per 2 square metres for each <b>usable outdoor space</b> up to 300 people; and</li> <li>ii. 1 person per 4 square metres for each <b>usable indoor space</b>.</li> </ul> </li> </ul>

	<b>Column 1 Restricted activity, business or undertaking</b>	<b>Column 2 Any additional conditions (other than those outlined in the Direction)</b>	<b>Column 3 Occupancy limit</b>
<b>12</b>	Strip club or brothel	<ul style="list-style-type: none"> <li>a. People must remain seated while eating and drinking in an <b>indoor space</b>.</li> <li>b. Dancing is not permitted by patrons.</li> <li>c. The venue must display a <b>sign</b> at the entrance to each <b>usable space</b>, specifying the occupancy limit for the space under this Direction.</li> </ul>	<p>The greater of the following:</p> <ul style="list-style-type: none"> <li>a. 25 people across the whole premises;</li> <li>b. 1 person per 4 square metres for each <b>usable indoor space</b>.</li> </ul>
<b>13</b>	<p>Gaming or gambling venues, <b>casinos</b> or a <b>betting agency</b></p> <p><b>Note:</b> If the venue is being used for the supply of liquor, service of a meal, an <b>organised sporting activity</b>, or another function/activity addressed separately in this Direction, the provisions relevant to those activities also need to be complied with.</p>	<ul style="list-style-type: none"> <li>a. People must remain seated while eating and drinking in an <b>indoor space</b>.</li> <li>b. Dancing is not permitted.</li> <li>c. The venue must display a <b>sign</b> at the entrance to each <b>usable space</b>, specifying the occupancy limit for the space under this Direction.</li> </ul>	<p>The greater of the following:</p> <ul style="list-style-type: none"> <li>a. 25 people across the whole premises;</li> <li>b. the sum of: <ul style="list-style-type: none"> <li>i. 1 person per 2 square metres for each <b>usable outdoor space</b> up to 300 people; and</li> <li>ii. 1 person per 4 square metres for each <b>usable indoor space</b>.</li> </ul> </li> </ul>



	<b>Column 1 Restricted activity, business or undertaking</b>	<b>Column 2 Any additional conditions (other than those outlined in the Direction)</b>	<b>Column 3 Occupancy limit</b>
<b>14</b>	<ul style="list-style-type: none"> <li>a. A hairdresser or barber; or</li> <li>b. A nail salon; or</li> <li>c. A tattoo or body modification studio; or</li> <li>d. A place that provides beauty therapy, tanning or waxing services; or</li> <li>e. A day spa or place that provides massage services, steam-based services (including saunas, steam rooms, steam cabinets and bathhouses)</li> </ul>		<p>The greater of the following:</p> <ul style="list-style-type: none"> <li>a. 25 people across the whole premises;</li> <li>b. the sum of 1 person per 4 square metres for each <b>usable indoor space</b>.</li> </ul>
<b>15</b>	Building and construction activities	<ul style="list-style-type: none"> <li>a. Building and construction activities must adhere to the 'ACT Building and Construction Industry COVID-19 Requirements'.</li> </ul>	<p>The sum of:</p> <ul style="list-style-type: none"> <li>a. 1 worker per 2 square metres for each <b>usable outdoor space</b>; and</li> <li>b. 1 worker per 4 square metres for each <b>usable indoor space</b>.</li> </ul>

	<b>Column 1 Restricted activity, business or undertaking</b>	<b>Column 2 Any additional conditions (other than those outlined in the Direction)</b>	<b>Column 3 Occupancy limit</b>
<b>16</b>	A gallery, museum, national institution or historic site	a. Tour groups must not exceed 20 people.	The greater of the following: <ul style="list-style-type: none"> <li>a. 25 people across the whole premises;</li> <li>b. the sum of: <ul style="list-style-type: none"> <li>i. 1 person per 2 square metres for each <b>usable outdoor space</b>; and</li> <li>ii. 1 person per 4 square metres for each <b>usable indoor space</b>.</li> </ul> </li> </ul>
<b>17</b>	Musical rehearsals, including choirs, bands and orchestras		For rehearsals in an <b>indoor space</b> , the lesser of the following: <ul style="list-style-type: none"> <li>a. 20 people;</li> <li>b. 1 person per 4 square metres for each <b>usable indoor space</b></li> </ul>

	<b>Column 1 Restricted activity, business or undertaking</b>	<b>Column 2 Any additional conditions (other than those outlined in the Direction)</b>	<b>Column 3 Occupancy limit</b>
<b>18</b>	Indoor entertainment and event venues with forward facing, fixed and tiered seating	<ul style="list-style-type: none"> <li>a. Must be ticketed or require a formal registration for attendance.</li> <li>b. People must remain seated while eating and drinking.</li> <li>c. The venue must display a <b>sign</b> at the entrance to each <b>usable space</b>, specifying the occupancy limit for the space under this Direction.</li> <li>d. Venues with a fixed seating capacity of more than 200 people must submit their <b>COVID safety plan</b> to ACT Health by 12 November 2021 for endorsement by the Chief Health Officer.</li> </ul>	<ul style="list-style-type: none"> <li>a. For fixed seating areas, 75 percent of seating capacity up to 1000 people.</li> <li>b. For areas without fixed seating, the sum of 1 person per 4 square metres for each <b>usable indoor space</b>.</li> </ul>
<b>19</b>	Indoor entertainment and event venues, not including a venue mentioned in item 18	<ul style="list-style-type: none"> <li>a. Must be ticketed or require a formal registration for attendance.</li> <li>b. People must remain seated while eating and drinking.</li> <li>c. The venue must display a <b>sign</b> at the entrance to each <b>usable space</b>, specifying the occupancy limit for the space under this Direction.</li> </ul>	<p>The greater of the following:</p> <ul style="list-style-type: none"> <li>a. 25 people across the whole premises;</li> <li>b. the sum of: <ul style="list-style-type: none"> <li>i. 1 person per 4 square metres for each <b>usable indoor space</b>; and</li> <li>ii. 1 person per 2 square metres per usable <b>outdoor space</b> up to 300 people.</li> </ul> </li> </ul>

	<b>Column 1 Restricted activity, business or undertaking</b>	<b>Column 2 Any additional conditions (other than those outlined in the Direction)</b>	<b>Column 3 Occupancy limit</b>
<b>20</b>	Conference or convention venues, not including a venue mentioned in item 21	<ul style="list-style-type: none"> <li>a. Must be ticketed or require a formal registration for attendance.</li> <li>b. People must remain seated while eating and drinking in an <b>indoor space</b>.</li> <li>c. The venue must display a <b>sign</b> at the entrance to each <b>usable space</b>, specifying the occupancy limit for the space under this Direction.</li> </ul>	<p>The greater of the following:</p> <ul style="list-style-type: none"> <li>a. 25 people across the whole premises;</li> <li>b. the sum of: <ul style="list-style-type: none"> <li>i. 1 person per 4 square metres for each <b>usable indoor space</b>; and</li> <li>ii. 1 person per 2 square metres per usable <b>outdoor space</b> up to 300 people.</li> </ul> </li> </ul>
<b>21</b>	<p>National Convention Centre</p> <p>Note: If the venue is being used for another function/activity addressed separately in this Direction, the conditions relevant to those activities will also need to be complied with.</p>	<ul style="list-style-type: none"> <li>a. Must be ticketed or require a formal registration for attendance.</li> <li>b. People must remain seated while eating and drinking in an <b>indoor space</b>.</li> <li>c. The venue must display a <b>sign</b> at the entrance to each <b>usable space</b>, specifying the occupancy limit for the space under this Direction.</li> <li>d. Must submit their <b>COVID safety plan</b> to ACT Health by 12 November 2021 for endorsement by the Chief Health Officer.</li> </ul>	<ul style="list-style-type: none"> <li>a. For fixed seating areas, 75 percent of seating capacity up to 1,000 people.</li> <li>b. For areas without fixed seating, the sum of: <ul style="list-style-type: none"> <li>i. 1 person per 4 square metres for each <b>usable indoor space</b>; and</li> <li>ii. 1 person per 2 square metres per usable <b>outdoor space</b> up to 300 people.</li> </ul> </li> </ul>

	<b>Column 1 Restricted activity, business or undertaking</b>	<b>Column 2 Any additional conditions (other than those outlined in the Direction)</b>	<b>Column 3 Occupancy limit</b>
<b>22</b>	Outdoor entertainment and event venues, not including a venue mentioned in items 23 or 24	<ul style="list-style-type: none"> <li>a. Must be ticketed or require a formal registration for attendance.</li> <li>b. People must remain seated while eating and drinking in any indoor areas.</li> <li>c. The venue must display a <b>sign</b> at the entrance to each <b>usable space</b>, specifying the occupancy limit for the space under this Direction.</li> </ul>	<p>The lesser of the following:</p> <ul style="list-style-type: none"> <li>a. 500 people across the whole venue;</li> <li>b. For fixed seating areas 75 percent of seating capacity; and</li> <li>c. For areas without fixed seating: <ul style="list-style-type: none"> <li>i. 1 person per 2 square metres for each <b>usable outdoor space</b>; and</li> <li>ii. 1 person per four square metres for each <b>usable indoor space</b>.</li> </ul> </li> </ul>
<b>23</b>	GIO Stadium or Manuka Oval	<ul style="list-style-type: none"> <li>a. Must be ticketed or require a formal registration for attendance.</li> <li>b. People must remain seated while eating and drinking in any indoor areas.</li> <li>c. The venue must display a <b>sign</b> at the entrance to each <b>usable space</b>, specifying the occupancy limit for the space under this Direction.</li> <li>d. Must submit their <b>COVID safety plan</b> to ACT Health by 12 November 2021 for endorsement by the Chief Health Officer.</li> </ul>	<ul style="list-style-type: none"> <li>a. For fixed seating areas, 75 percent of seating capacity.</li> <li>b. For areas without fixed seating, the sum of: <ul style="list-style-type: none"> <li>i. 1 person per 2 square metres for each <b>usable outdoor space</b>; and</li> <li>ii. 1 person per 4 square metres for each <b>usable indoor space</b></li> </ul> </li> </ul>

	<b>Column 1 Restricted activity, business or undertaking</b>	<b>Column 2 Any additional conditions (other than those outlined in the Direction)</b>	<b>Column 3 Occupancy limit</b>
<b>24</b>	Exhibition Park in Canberra	<ul style="list-style-type: none"> <li>a. Must be ticketed or require a formal registration for attendance.</li> <li>b. People must remain seated while eating and drinking in any indoor areas.</li> <li>c. The venue must display a <b>sign</b> at the entrance to each <b>usable space</b>, specifying the occupancy limit for the space under this Direction.</li> <li>d. Must submit their <b>COVID safety plan</b> to ACT Health by 12 November 2021 for endorsement by the Chief Health Officer.</li> </ul>	<p>The lesser of the following:</p> <ul style="list-style-type: none"> <li>a. 1500 people across the whole premises;</li> <li>b. the sum of: <ul style="list-style-type: none"> <li>i. for areas with fixed seating, 75 percent of seating capacity; and</li> <li>ii. for areas without fixed seating, the sum of: <ul style="list-style-type: none"> <li>A. 1 person per 2 square metres for each <b>usable outdoor space</b>; and</li> <li>B. 1 person per 4 square metres for each <b>usable indoor space</b>.</li> </ul> </li> </ul> </li> </ul>
<b>25</b>	Cinema or movie theatre	<ul style="list-style-type: none"> <li>a. Must be ticketed.</li> <li>b. People must remain seated while eating and drinking.</li> <li>c. The venue must display a <b>sign</b> at the entrance to each <b>usable space</b>, specifying the occupancy limit for the space under this Direction.</li> </ul>	<ul style="list-style-type: none"> <li>a. For fixed seating areas, 75 percent of seating capacity.</li> <li>b. For areas without fixed seating, 1 person per 4 square metres for each <b>usable indoor space</b>.</li> </ul>

	<b>Column 1 Restricted activity, business or undertaking</b>	<b>Column 2 Any additional conditions (other than those outlined in the Direction)</b>	<b>Column 3 Occupancy limit</b>
<b>26</b>	Libraries	a. Groups must not exceed 20 people.	The greater of the following: a. 25 people across the whole premises; b. the sum of: i. 1 person per 2 square metres for each <b>usable outdoor space</b> ; and ii. 1 person per 4 square metres for each <b>usable indoor space</b> .
<b>27</b>	Community centre, community facility or youth centre, not including activities held at these premises that are mentioned elsewhere in Attachment 1.	a. The venue must display a <b>sign</b> at the entrance to each <b>usable space</b> , specifying the occupancy limit for the space under this Direction.	The greater of the following: a. 25 people across the whole premises; or b. the sum of: i. 1 person per 2 square metres for each <b>usable outdoor space</b> up to 300 people; and ii. 1 person per 4 square metres for each <b>usable indoor space</b> .

	<b>Column 1 Restricted activity, business or undertaking</b>	<b>Column 2 Any additional conditions (other than those outlined in the Direction)</b>	<b>Column 3 Occupancy limit</b>
<b>28</b>	Real estate services		The greater of the following: a. 25 people across the whole premises; or b. the sum of: i. 1 person per 2 square metres for each <b>usable outdoor space</b> up to 300 people; and ii. 1 person per 4 square metres for each <b>usable indoor space</b> .
<b>29</b>	Auction houses		The greater of the following: a. 25 people across the whole premises; or b. the sum of: i. 1 person per 2 square metres for each <b>usable outdoor space</b> up to 300 people; and ii. 1 person per 4 square metres for each <b>usable indoor space</b> .



	<b>Column 1 Restricted activity, business or undertaking</b>	<b>Column 2 Any additional conditions (other than those outlined in the Direction)</b>	<b>Column 3 Occupancy limit</b>
<b>30</b>	<p>Any of the following:</p> <ul style="list-style-type: none"> <li>a. hardware and building supplies; or</li> <li>b. agricultural and rural supplies; or</li> <li>c. a pet store; or</li> <li>d. businesses that predominantly sell essential office supplies.</li> </ul>		<p>For areas of the business accessible to the public, the sum of:</p> <ul style="list-style-type: none"> <li>a. 1 person per 4 square metres for each <b>usable indoor space</b>; and</li> <li>b. 1 person per 2 square metres for each <b>usable outdoor space</b>.</li> </ul>
<b>31</b>	<b>Non-essential retailer</b>		<p>For areas of the business accessible to the public, the sum of:</p> <ul style="list-style-type: none"> <li>a. 1 person per 4 square metres for each <b>usable indoor space</b>; and</li> <li>b. 1 person per 2 square metres for each <b>usable outdoor space</b>.</li> </ul>

	<b>Column 1 Restricted activity, business or undertaking</b>	<b>Column 2 Any additional conditions (other than those outlined in the Direction)</b>	<b>Column 3 Occupancy limit</b>
<b>32</b>	<b>Organised sporting activity</b>	a. Use of shared equipment should be minimised.	The greater of the following: a. 25 people across the whole premises; or b. 1 person per 4 square metres for each <b>usable indoor space</b> ; and c. 1 person per 2 square metres for each <b>usable outdoor space</b> up to 500 people.
<b>33</b>	An indoor or outdoor play centre, or an indoor arcade or amusement centre  <b>Note:</b> If the venue is being used for the supply of liquor, service of a meal, an <b>organised sporting activity</b> , or another function/activity addressed separately in this Direction, the provisions relevant to those activities also need to be complied with.	a. Permitted to operate unless otherwise directed by the Chief Health Officer or an <b>authorised person</b> . b. Groups must not exceed 10 people. c. People must remain seated while eating and drinking.	The greater of the following: a. 25 people across the whole premises; b. 1 person per 4 square metres for each <b>usable indoor space</b> and <b>usable outdoor space</b> .

	<b>Column 1 Restricted activity, business or undertaking</b>	<b>Column 2 Any additional conditions (other than those outlined in the Direction)</b>	<b>Column 3 Occupancy limit</b>
<b>34</b>	<p>Organised events, not including a <b>restricted activity, business or undertaking</b> mentioned elsewhere in Attachment 1.</p> <p><b>Example:</b> retail markets, music events, sporting events greater than permitted venue capacities</p>	<ol style="list-style-type: none"> <li>a. Must be ticketed or require a formal registration for attendance.</li> <li>b. People must remain seated while eating and drinking in any indoor areas.</li> <li>c. Dancing is not permitted.</li> <li>d. The venue must display a <b>sign</b> at the entrance to each <b>usable space</b>, specifying the occupancy limit for the space under this Direction.</li> <li>e. For events attended by 300 or more people, the organiser must submit the event's <b>COVID safety plan</b> to ACT Health for review in accordance with the COVID Safe Event Guidance document published on the ACT Government website.</li> </ol>	<p>The lesser of the following:</p> <ol style="list-style-type: none"> <li>a. 500 people across the whole event;</li> <li>b. The sum of: <ol style="list-style-type: none"> <li>i. 1 person per 2 square metres for each <b>useable outdoor space</b>; and</li> <li>ii. 1 person per 4 square metres for each <b>useable indoor space</b>.</li> </ol> </li> </ol>

## 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](http://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.