

Dear [REDACTED]

DECISION ON YOUR ACCESS APPLICATION

I refer to your application under Section 30 of the *Freedom of Information Act 2016* (FOI Act), received by ACT Health Directorate (ACTHD) on **Tuesday 17 August 2021**.

This application requested access to:

- A copy of all written public health directions signed by the chief health officer Kerryn Coleman she claims to have issued unto my self, where the recipient is clearly nominated in those documents, along with; the date, time and location upon which they were given.
Section 113 subsection 3 (a) of the Public Health Act 1997 clearly states: "A direction... **must be in writing signed by the chief health officer;**"
- A copy of all written emergency directions signed by the chief health officer Kerryn Coleman she claims to have issued unto my self, where the recipient is clearly nominated in those documents, along with; the date, time and location upon which they were given.
Section 120 subsection 5 of the Public Health Act 1997 clearly states: "A direction ... (other than subsection (1) (f)) **may be given orally or in writing.**"
- A copy of every signed written record of each direction the chief health officer Kerryn Coleman claims to have given unto my self.
Section 120 subsection 7 of the Public Health Act 1997 clearly states: "The **chief health officer must make a signed written record of all action taken, and of each direction given ...**."
Section 120 subsection 8 of the Public Health Act 1997 clearly states: "... **a record of the direction** made by the chief health officer under subsection (7) is evidence that the direction was given ..."
- In relation to the above, a copy of all documents that prove chief health officer Kerryn Coleman considered beforehand: the degree to which relevant public health hazards would affect my self.
Section 113 subsection 4 (b) of the Public Health Act 1997 clearly states: "... the chief health officer **must** have regard to the following matters: **the degree to which the public health hazard would affect individuals...**"
- In relation to the above, a copy of all documents that prove chief health officer Kerryn Coleman considered beforehand: the availability of other control measures to combat relevant public health hazards, along with; (a) the details of what those control measures are/were, and (b) the detailed explanations as to why those control measures have not been used in favour of.
Section 113 subsection 4 (c) of the Public Health Act 1997 clearly states: "... the chief health officer **must** have regard to the following matters: **the availability of other control measures.**"
- In relation to the above, a copy of all documents that prove chief health officer Kerryn Coleman had undertaken the minimum action necessary to prevent or alleviate relevant public health hazards beforehand.

Section 113 subsection 5 of the Public Health Act 1997 clearly states: "The chief health officer must undertake the minimum action necessary ... to prevent or alleviate the relevant public health hazard."

- A copy of all documents, including legislation, that states the chief health officer is exempt from Section 113 of the Public Health Act 1997 during: (a) a declared Covid-19 emergency and; (b) a declared Public Health Emergency.
- A copy of all documents, including legislation, that states how public health directions and emergency directions do / don't intertwine with each other during: (a) a declared Covid-19 emergency and; (b) a declared Public Health Emergency (in relation to section 113 and section 120 of the Public Health Act 1997).
- A copy of all documents, including legislation, that states the chief health officer is authorized to issue a public health direction and an emergency direction to "all people" (these exact words) by way of a single instrument.
- A copy of all documents, including legislation, that states the chief health officer is authorized to issue a public health direction and an emergency direction to "any individual" (these exact words) by way of a single instrument.

Section 113 public health directions – issue, subsection 1 of the Public Health Act 1997 clearly states: "... the chief health officer may issue ... directions to a person ..." The legislation clearly does NOT imply or say "to all people" or "groups of persons" or anything in a plural sense. Nor does it indicate any individuals.

Section 120 subsection 2 of the Public Health Act 1997 clearly states: "...the directions the chief health officer may give to a person...". The legislation clearly does NOT imply or say "to all people" or "groups of persons" or anything in a plural sense. Nor does it indicate any individuals.

The Dictionary in the Legislation Act 2001 page 209 and the Dictionary in Section 195.1 of the A New Tax System (Goods and Services Tax) Act 1999 defines **individual**: "means a natural person". **NOT** to be confused with the intangible entity "person"!

The Dictionary in Section 195.1 of the A New Tax System (Goods and Services Tax) Act 1999 defines the intangible entity **person**: "includes a company".

Part 15.3 (1) References to various entities and things, Section 160 of the Legislation Act 2001 also defines, with examples of reference, the intangible entity - **person**:

(1) "... a reference to a person generally includes a reference to a corporation ..."

I am an Information Officer appointed by the Director-General of ACT Health Directorate (ACTHD) under Section 18 of the FOI Act to deal with access applications made under Part 5 of the Act. ACTHD was required to provide a decision on your access application by **Tuesday 14 September 2021**.

I have identified eight documents holding the information within scope of your access application. These are outlined in the schedule of documents included at Attachment A to this decision letter.

Decisions on access

There is a significant amount of information accessible to the public, regarding the management SARS-CoV-2 virus and legislation that governs the issuing of public health directions, that has not been assessed as part of this application. This information is already available to you as the applicant in accordance with Section 43(1)(d) of the FOI Act. The ACT Chief Health Officer issues public health directions as a necessary public health control measure to reduce the transmission of any potential COVID-19 infection and to protect the health and safety of the ACT Community.

I have decided to grant full access to the eight relevant documents. The documents released to you are provided at Attachment B to this letter.

In reaching my access decision, I have taken the following into account:

- The FOI Act;
- The contents of the documents that fall within the scope of your request; and
- The *Human Rights Act 2004*.

Charges

Processing charges are not applicable to this request.

Disclosure Log

Under Section 28 of the FOI Act, ACTHD maintains an online record of access applications called a disclosure log. The scope of your access application, my decision and documents released to you will be published in the disclosure log not less than three days but not more than 10 days after the date of this decision. Your personal contact details will not be published.

<https://www.health.act.gov.au/about-our-health-system/freedom-information/disclosure-log>.

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek Ombudsman review of this outcome under Section 73 of the Act within 20 working days from the day that my decision is published in ACT Health's disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman

GPO Box 442

CANBERRA ACT 2601

Via email: ACTFOI@ombudsman.gov.au

Website: ombudsman.act.gov.au

ACT Civil and Administrative Tribunal (ACAT) review

Under Section 84 of the Act, if a decision is made under Section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal

Level 4, 1 Moore St

GPO Box 370

Canberra City ACT 2601

Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

Further assistance

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email HealthFOI@act.gov.au.

Yours sincerely



Associate Professor Bruce Shadbolt

Executive Branch Manager

Centre for Health and Medical Research


13 September 2021

FREEDOM OF INFORMATION SCHEDULE OF DOCUMENTS

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: <http://www.health.act.gov.au/public-information/consumers/freedom-information>

APPLICANT NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	FILE NUMBER
	<ul style="list-style-type: none"> • A copy of all written public health directions signed by the chief health officer Kerryn Coleman she claims to have issued unto my self, where the recipient is clearly nominated in those documents, along with; the date, time and location upon which they were given. <p>Section 113 subsection 3 (a) of the Public Health Act 1997 clearly states: "<u>A direction ... must be in writing signed by the chief health officer;</u>"</p> <ul style="list-style-type: none"> • A copy of all written emergency directions signed by the chief health officer Kerryn Coleman she claims to have issued unto my self, where the recipient is clearly nominated in those documents, along with; the date, time and location upon which they were given. <p>Section 120 subsection 5 of the Public Health Act 1997 clearly states: "<u>A direction ... (other than subsection (1) (f)) may be given orally or in writing.</u>"</p> <ul style="list-style-type: none"> • A copy of every signed written record of each direction the chief health officer Kerryn Coleman claims to have given unto my self. • In relation to the above, a copy of all documents that prove chief health officer Kerryn Coleman considered beforehand: the degree to which relevant public health hazards would affect my self. <p>Section 113 subsection 4 (b) of the Public Health Act 1997 clearly states: "... the chief health officer <u>must</u> have regard to the following matters: "<u>the degree to which the public health hazard would affect individuals...</u>"</p>	<p>ACTHDFOI21-22.15</p>

- *In relation to the above, a copy of all documents that prove chief health officer Kerryn Coleman considered beforehand: the availability of other control measures to combat relevant public health hazards, along with; (a) the details of what those control measures are/were, and (b) the detailed explanations as to why those control measures have not been used in favour of.*
- Section 113 subsection 4 (c)** of the Public Health Act 1997 clearly states: " ... the chief health officer **must** have regard to the following matters: "the availability of other control measures."
- *In relation to the above, a copy of all documents that prove chief health officer Kerryn Coleman had undertaken the minimum action necessary to prevent or alleviate relevant public health hazards beforehand.*
- Section 113 subsection 5** of the Public Health Act 1997 clearly states: "The chief health officer **must undertake the minimum action necessary** ... to prevent or alleviate the relevant public health hazard."
- *A copy of all documents, including legislation, that states the chief health officer is exempt from Section 113 of the Public Health Act 1997 during: (a) a declared Covid-19 emergency and; (b) a declared Public Health Emergency.*
 - *A copy of all documents, including legislation, that states how public health directions and emergency directions do / don't intertwine with each other during: (a) a declared Covid-19 emergency and; (b) a declared Public Health Emergency (in relation to section 113 and section 120 of the Public Health Act 1997).*
 - *A copy of all documents, including legislation, that states the chief health officer is authorized to issue a public health direction and an emergency direction to "all people" (these exact words) by way of a single instrument.*
 - *A copy of all documents, including legislation, that states the chief health officer is authorized to issue a public health direction and an emergency direction to "any individual" (these exact words) by way of a single instrument.*
- Section 113 public health directions – issue, subsection 1** of the Public Health Act 1997 clearly states: "... the chief health officer may issue ... directions **to a person** ..." The legislation clearly does NOT imply or say "to all people" or "groups of persons" or anything in a plural sense. Nor does it indicate any individuals.

Section 120 subsection 2 of the Public Health Act 1997 clearly states: “...the directions the chief health officer may give **to a person...**”. The legislation clearly does NOT imply or say “to all people” or “groups of persons” or anything in a plural sense. Nor does it indicate any individuals.

The Dictionary in the Legislation Act 2001 page 209 and the Dictionary in Section 195.1 of the A New Tax System (Goods and Services Tax) Act 1999 defines **individual**: “means a natural person”. **NOT** to be confused with the intangible entity “person”!

The Dictionary in Section 195.1 of the A New Tax System (Goods and Services Tax) Act 1999 defines the intangible entity **person**: “includes a company”. Part 15.3 (1) References to various entities and things, Section 160 of the Legislation Act 2001 also defines, with examples of reference, the intangible entity - **person**: (1) “... a reference to a person generally includes a reference to a corporation ...”

Ref Number	Page Number	Description	Date	Status Decision	Factor	Open Access release status
1.	1 – 9	NI2021-339 Public Health (Returned Travellers) Emergency Directions 2021	04 June 2021	Full Release	Not applicable.	YES
2.	10 – 16	NI2021-401 Public Health (Mandatory face masks - Canberra Airport and Domestic Flights) Emergency Direction 2021 (No 2)	30 June 2021	Full Release	Not applicable.	YES
3.	17 – 36	NI2021-405 Public Health (Restricted Activities - Gatherings, Business or Undertakings) Emergency Direction 2021(No 4)	01 July 2021	Full Release	Not applicable.	YES
4.	37 – 52	NI2021-424 Public Health (COVID-19 Affected Areas) Emergency Directions 2021 (No 10)	09 July 2021	Full Release	Not applicable.	YES
5.	53 – 60	NI2021-437 Public Health (Check In Requirements) Emergency Direction 2021 (No 2)	20 July 2021	Full Release	Not applicable.	YES
6.	61 – 67	NI2021-500 Public Health (Diagnosed People and Close Contacts) Emergency Direction (No 2)	19 August 2021	Full Release	Not applicable.	YES
7.	68 – 76	NI2021-501 Public Health (Aged Care Workers COVID-19 Vaccination) Emergency Direction 2021	20 August 2021	Full Release	Not applicable.	YES

8.	77 – 101	NI2021 -510 Public Health (Lockdown Restrictions) Emergency Direction 2021 (No 5)	27 August 2021	Full Release	Not applicable.	YES
Total Number of Documents						
8						

Australian Capital Territory

Public Health (Returned Travellers) Emergency Direction 2021

Notifiable Instrument NI2021–339

made under the

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

1. Name of instrument

This instrument is the *Public Health (Returned Travellers) Emergency Direction 2021*.

2. Commencement

This instrument commences at 11:59pm on 4 June 2021.

3. Public Health Emergency Direction

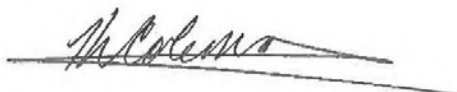
I, Dr Kerry Coleman, Chief Health Officer, consider it necessary or desirable to alleviate the emergency declared under the *Public Health (Emergency) Declaration 2020 (No 1)* [NI2020-153] (the **declared emergency**) on 16 March 2020, to give the directions as set out in the schedule.

4. Duration

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

5. Revocation

This Direction revokes the *Public Health (Returned Travellers) Emergency Direction 2020 (No 9)* [NI2020-837].



Dr Kerry Coleman
Chief Health Officer

4 June 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. The purpose of these directions is to restrict non-essential gatherings and the operation of non-essential businesses and undertakings in order to limit the spread of coronavirus disease 2019 (**COVID-19**), caused by the novel coronavirus SARS-CoV-2.

In making these directions I have had regard to relevant human rights and I am satisfied that the limitations imposed as a result of these Directions are both demonstrably justifiable in a free and democratic society and necessary to protect the ACT community from the serious public health risk posed by COVID-19.

PART 1 - QUARANTINE FOLLOWING OVERSEAS TRAVEL

Direction

1. A person (other than **diplomatic visa-holder**) who enters the Australian Capital Territory following a flight that originated from a place outside Australia is:
 - a) for a person who is a member of an **international flight crew** or a member of an air ambulance or medevac crew – subject to self-quarantine under Part 2;
 - b) for a child who has travelled **unaccompanied** – subject to supervised home quarantine under Part 3; or
 - c) for any other person – subject to mandatory quarantine under Part 4.

PART 2 – SELF-QUARANTINE OF INTERNATIONAL FLIGHT CREW, AIR AMBULANCE AND MEDEVAC CREW

Direction

2. A person who is a member of an **international flight crew** or a member of an air ambulance or medevac crew must:
 - a. from the point at which the person arrives into the Australian Capital Territory, travel immediately to **designated premises** and reside in the premises:
 - i. for the **standard quarantine duration**; or
 - ii. until their next flight departing the Australian Capital Territory if that period is shorter than the **standard quarantine duration**; and

- b. not leave the premises, except:
 - i. for the purposes of obtaining medical care or medical supplies; or
 - ii. in any other emergency situation; and
 - c. not permit any other person to enter the premises unless:
 - i. the other person usually resides at the premises; or
 - ii. the other person is also complying with Part 2 of this Direction for the same **standard quarantine duration**; or
 - iii. for medical, law enforcement or emergency purposes.
3. A person who is a member of an **international flight crew** or a member of an air ambulance or medevac crew must comply with any request by an **authorised person** to produce proof of identification.

PART 3 – SUPERVISED QUARANTINE OF UNACCOMPANIED CHILD

Direction

4. From the point at which a child who has travelled **unaccompanied** arrives into the Australian Capital Territory, the child must:
- a. travel immediately to **designated premises** to undertake quarantine for at least the **standard quarantine duration**; and
 - b. not leave the **designated premises**, other than in an emergency; and
 - c. comply with any request by an **authorised person** to produce proof of identification.
5. A parent, guardian, person with **parental responsibility** or carer of a child who has travelled **unaccompanied** must:
- a. quarantine with the child at **designated premises** for at least the **standard quarantine duration**; and
 - b. not leave the **designated premises**, other than in an emergency; and
 - c. not permit any other person that does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes; and
 - d. comply with any request by an **authorised person** to produce proof of identification.
6. All members of the **household** of the **designated premises** must:
- a. not leave the **designated premises** after the beginning of the **standard quarantine duration** other than in an emergency; and
 - b. comply with any request by an **authorised person** to produce proof of identification.

7. At the end of the **standard quarantine duration** a person required to quarantine under this Part must remain in quarantine for an additional period (not longer than the **supplementary quarantine period**) unless:
 - a. the person is tested for COVID-19 when requested by an **authorised person** and returns a negative test result; and
 - b. the person is given clearance from quarantine by an **authorised medical officer**.

PART 4 – MANDATORY QUARANTINE FOLLOWING OVERSEAS TRAVEL

Direction

8. A person referred to in Part 1, paragraph 1(c) must:
 - a. travel immediately to **designated premises** to undertake quarantine for at least the **standard quarantine duration**; and
 - b. not leave the **designated premises**, other than in an emergency; and
 - c. not permit any other person to enter the **designated premises** unless:
 - i. the other person is also complying with Part 4 of this Direction; or
 - ii. the other person has been given a written direction by the Chief Health Officer permitting them to join the person in quarantine; or
 - iii. for medical, law enforcement or emergency purposes; and
 - d. comply with any request by an **authorised person** to produce proof of identification.

9. At the end of the **standard quarantine duration** a person required to quarantine under this Part must remain in quarantine for an additional period (not longer than the **supplementary quarantine period**) unless:
 - a. the person is tested for COVID-19 when requested by an **authorised person** and returns a negative test result; and
 - b. the person is given clearance from quarantine by an **authorised medical officer**.

PART 5 — MATTERS RELEVANT TO THESE DIRECTIONS

10. For the purposes of Parts 2, 3 and 4, the point at which a person arrives into the Australian Capital Territory means:
 - a. for travel by air – from the Canberra airport;
 - b. for travel by bus – from the bus station or other place where the person disembarks;
 - c. for travel by train – from the train station where the person disembarks;
 - d. for travel by car – from the point at which the car crosses the border from New South Wales into the Australian Capital Territory; and
 - e. by any other means – from the point at which the person crosses the border from New South Wales into the Australian Capital Territory.

11. A person is not required to comply with the direction in Parts 1, 2, 3 or 4 if the person has undergone an unbroken 14-day period of quarantine or self-isolation in an Australian State or the Northern Territory.
12. The Chief Health Officer may, in writing and subject to any conditions that the Chief Health Officer considers necessary, exempt a person from the directions in Parts 1, 2, 3 or 4.
13. A clearance from quarantine given by an **authorised medical officer** must be in writing.

Enforcement

14. 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, upon request, to produce proof of identification to the **authorised person**.
15. If a person fails to comply with any direction given under paragraph 14, then the **authorised person** may take all reasonable steps to enforce compliance with the direction.

Guidance

16. If a person who enters the Australian Capital Territory following a flight that originated outside Australia is a **diplomatic visa-holder**, risk mitigation guidance is provided at [Attachment A](#) to this Direction.
17. If a person tests positive to COVID-19 during the **standard quarantine duration** or the **supplementary quarantine period** they must comply with the *Public Health (Self-Isolation) Emergency Direction 2020 (No 4)* [NI2020-662].
18. Any crew member operating in a professional capacity tasked to the aircraft cabin, the aircraft flight deck, or support crew (such as aircraft engineer, loading personnel or airport safety personnel) aboard an **ADF international flight** is to quarantine in accordance with **ADF** quarantine policies.
19. Any crew member operating in a professional capacity tasked to the aircraft cabin, the aircraft flight deck, or support crew (such as aircraft engineer, loading personnel or airport safety personnel) aboard a privately chartered international flight is subject to quarantine in accordance with Part 1 of this Direction.

Transitional

20. The repealed law continues to apply to a person who started quarantine under the repealed law before the commencement of this Direction and was still in quarantine immediately before the commencement of this Direction.

21. Repealed law means *Public Health (Returned Travellers) Emergency Direction 2020 (No 9)* [NI2020-837].

Definitions

For the purposes of these directions:

22. **ADF** means the Australian Defence Force.
23. **ADF international flight** means an international flight involving an ADF aircraft or commissioned flight.
24. **Authorised medical officer** means an authorised medical officer under the *Public Health Act 1997*.
25. **Authorised person** means an authorised person under section 121 of the *Public Health Act 1997*.
26. **Carer**, for the purposes of this Direction, includes an appropriate adult nominated by a person with **parental responsibility**.
27. Unless stated otherwise in writing by the Chief Health Officer, **designated premises** means:
- a. for Part 2 - if the person is normally a resident of the Australian Capital Territory:
 - i. if the person can maintain appropriate separation from members of the **household** - their usual place of residence provided, or
 - ii. if the person cannot maintain appropriate separation from members of the **household** - a room allocated on check-in at any hotel, serviced-apartment, or similar accommodation approved in writing by the Chief Health Officer or an **authorised person** for the purposes of quarantine.
 - b. for Part 2 - if the person is not normally a resident of the Australian Capital Territory:
 - i. a room allocated on check-in at any hotel, serviced-apartment, or similar accommodation approved in writing by the Chief Health Officer or an **authorised person** for the purposes of quarantine.
 - c. for Part 3 – a premises approved in writing by the Chief Health Officer or an **authorised person** as suitable for the **unaccompanied** child, together with a parent, guardian or carer, to reside in for the **standard quarantine duration**; or
 - d. for Part 4 – a room allocated on check-in at any hotel, serviced-apartment, or similar accommodation approved in writing by the Chief Health Officer or an **authorised person** for the purposes of quarantine.
28. **Diplomatic visa-holder** means persons such as foreign officials posted to Australia and their family that have been issued with a diplomatic visa by the Commonwealth Department of Foreign Affairs and Trade.
29. A **household** means people who ordinarily reside at the same residential premises.

30. **International Flight Crew** means any crew member operating in a professional capacity tasked to the aircraft cabin, the aircraft flight deck, or support crew (such as aircraft engineer, loading personnel or airport safety personnel) aboard a commercial international passenger or freight flight, or a privately chartered international flight, but does not include crew of an **ADF international flight** or crew aboard a privately chartered international flight.
31. **Parental responsibility** is as defined in section 15 of the *Children and Young People Act 2008*.
32. The **standard quarantine duration** is a period of 14 days, beginning on the day of arrival and ending at 11:59pm on the fourteenth (14th) day after arrival.
33. A **supplementary quarantine period** is a further period of quarantine of 10 days, commencing from the end of the **standard quarantine duration** and ending at 11:59pm on the tenth (10th) day after the end of the **standard quarantine duration**.
34. For a returned traveller who is a child, **unaccompanied** means without the presence of a person with **parental responsibility**.

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).



Dr Kerry Coleman

Chief Health Officer

4 June 2021

ATTACHMENT A

Risk Mitigation Guidance

If a **diplomatic visa-holder** enters the Australian Capital Territory following a flight that originated outside Australia it is recommended that:

- a. from the point at which the person arrives in the Australian Capital Territory, the **diplomatic visa-holder** travel immediately to a premises that is suitable for the person to reside for a period of 14 to 24 days;
- b. except in exceptional circumstances, the **diplomatic visa-holder** reside in that premises for the period beginning on the day of arrival and ending at midnight on the last day of quarantine;
- c. the **diplomatic visa-holder** does not leave the premises during the quarantine period, except:
 - i. for the purposes of obtaining medical care or medical supplies; and
 - ii. in any other emergency situation;
- d. the **diplomatic visa-holder** communicate the fact that they are subject to quarantine to any person to whom they may come into contact;
- e. the **diplomatic visa-holder** does not permit any other person to enter the premises unless that other person usually lives at the premises, or the other person is complying with this direction for the same quarantine period, or for medical or emergency purposes;
- f. the **diplomatic visa-holder** be tested for COVID-19 at the end of 14 days of quarantine;
- g. the **diplomatic visa-holder** leave quarantine in accordance with direction:
 - i. after 14 days if the **diplomatic visa-holder** was tested for COVID-19 and the test result is negative for COVID-19; or
 - ii. after 24 days if the **diplomatic visa-holder** was not tested for COVID-19;
- h. if the **diplomatic visa-holder** is tested for COVID-19 and tests positive for COVID-19, that they comply with the *Public Health (Self-Isolation) Emergency Direction 2020 (No 4)* [NI2020-662]; and
- i. the Commonwealth Department of Foreign Affairs and Trade and/or Australian Border Force contact the ACT Government via the hecc.operations@act.gov.au email address to inform ACT Health:
 - i. that the **diplomatic visa-holder** is in self isolation and their location; and

- ii. of the contact details **diplomatic visa-holder** to enable ACT Health to conduct checks on their welfare, such as whether they have developed any COVID-19 symptoms.

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

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Australian Capital Territory

Public Health (Mandatory Face Masks – Canberra Airport and Domestic Flights) Emergency Direction 2021 (No 2)

Notifiable Instrument NI2021-401

made under the

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

1. Name of instrument

This instrument is the *Public Health (Mandatory Face Masks – Canberra Airport and Domestic Flights) Emergency Direction 2021 (No 2)*.

2. Commencement

This instrument commences at 3:00pm on 30 June 2021.

3. Public Health Emergency Direction

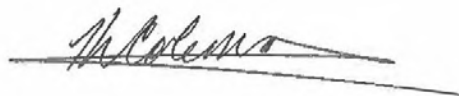
I, Dr Kerryn Coleman, Chief Health Officer, consider it necessary or desirable to alleviate the emergency declared under the *Public Health (Emergency) Declaration 2020 (No 1)* [NI2020-153] (the **declared emergency**) on 16 March 2020, to give the directions as set out in the schedule.

4. Duration

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

5. Revocation

This instrument revokes the *Public Health (Mandatory Face Masks – Canberra Airport and Domestic Flights) Emergency Direction 2021* [NI2020-38].



Dr Kerryn Coleman
Chief Health Officer

30 June 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.

The purpose of this Direction is to limit the spread of coronavirus disease 2019 (**COVID-19**), caused by the novel coronavirus SARS-CoV-2.

In making these directions I have had regard to relevant human rights and I am satisfied that the limitations imposed as a result of these Directions are both demonstrably justifiable in a free and democratic society and necessary to protect the ACT community from the serious public health risk posed by COVID-19.

PART 1 – FACE MASKS REQUIRED AT CANBERRA AIRPORT

Direction

1. Subject to paragraphs 2 and 3, a person at **Canberra airport** must at all times:
 - a. carry a **face mask**; and
 - b. wear a **face mask**.

2. The requirement to carry a **face mask** under paragraph 1 does not apply:
 - a. to infants and children aged 12 years or under; or
 - b. to a person who has a physical or mental health illness or condition, or disability, which makes wearing a **face mask** unsuitable; or

Examples: *Persons who have:*

 - *obstructed breathing,*
 - *a serious skin condition on their face,*
 - *an intellectual disability,*
 - *a mental health illness, or*
 - *who have experienced trauma.*
 - c. to a person who is wearing a **face mask**.

3. The requirement to wear a **face mask** under paragraph 1 does not apply:
- to infants and children aged 12 years or under; or
 - to a person who has a physical or mental health illness or condition, or disability, which makes wearing a **face mask** unsuitable; or
***Examples:** see examples listed under paragraph 2(b) above;*
 - to a person during an emergency or while any of the following apply:
 - the person is communicating with a person who has a hearing impairment and visibility of the mouth is essential for communication; or
 - the nature of the person's work or training means that wearing a **face mask** creates a risk to their health and safety; or
 - the nature of the person's work or training means that clear enunciation or visibility of the mouth is essential; or
***Examples:** training new staff, making announcements or live broadcasting.*
 - the person is consuming food, drink or medicine; or
 - the person is undergoing medical care or treatment to the extent that such care or treatment requires that no **face mask** be worn; or
 - the person is asked to remove the **face mask** to ascertain identity; or
***Examples:** a person may be asked by police, security, or airport staff to remove a face mask to ascertain identity or when purchasing alcohol or cigarettes.*
 - removal of the **face mask** is required or authorised by law; or
 - where wearing a **face mask** is not safe in all the circumstances; or
 - the person is an **airport worker** and is not interacting directly with passengers or members of the public.
4. A person who removes their **face mask** in a circumstance under paragraph 3(c) 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, making an announcement or receiving medical care.*

PART 2 - FACE MASKS TO BE WORN ON DOMESTIC COMMERCIAL FLIGHTS INTO AND OUT OF CANBERRA AIRPORT

5. Subject to paragraphs 6 and 7, a person on a **domestic commercial aircraft** must at all times on the aircraft:
- carry a **face mask**; and
 - wear a **face mask**

while the aircraft is located at the **Canberra airport** (including when the aircraft is landing at, or taking off from, the airport), or flying in **Australian Capital Territory airspace**.

6. The requirement to carry a **face mask** under paragraph 5 does not apply:
- to an infant or child aged 12 years or under; or
 - to a person who has a physical or mental health illness or condition, or disability, which makes wearing a **face mask** unsuitable.

Examples: *Persons who have:*

- *obstructed breathing,*
 - *a serious skin condition on their face,*
 - *an intellectual disability,*
 - *a mental health illness, or*
 - *who have experienced trauma.*
- c. to a person who is wearing a **face mask**.
7. The requirement to wear a **face mask** under paragraph 5 does not apply:
- to a person listed in paragraph 3(a) or (b); or
 - in any of the circumstances listed in paragraph 3 (c) for only so long as those circumstances apply; or
 - if the person is a member of the **air crew** of an aircraft who is not reasonably likely to interact directly with passengers, including because the person is on an aircraft with no passengers boarded; or
- Example** – *a pilot is not required to wear a **face mask** while in the cockpit.*
- if the person is an **airport worker** who is not reasonably likely to interact directly with passengers on an aircraft, including because the person is on an aircraft with no passengers boarded.
8. A person who removes their **face mask** under paragraph 7(b) must resume wearing the **face mask** as soon as practicable after the circumstance ends.

PART 3 – OTHER DIRECTIONS

9. An **authorised person** may ask a person in the **Canberra airport** or on a **domestic commercial aircraft** located at the **Canberra airport** for any information necessary to determine whether the person is subject to this Direction.
10. Any person in the **Canberra airport** or on a **domestic commercial aircraft** located at the **Canberra airport** must comply with any request made under paragraph 9 by an **authorised person**.
11. 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.

Examples of directions:

*An authorised person may direct a person to put on a **face mask**.*

*An authorised person may direct a person to explain the nature of a physical or mental health illness or condition, or disability, that prevents the person from wearing a **face mask**.*

12. Any person subject to this Direction must comply with any request under paragraph 11 by an **authorised person**.

PART 4 – MATTERS RELEVANT TO THIS DIRECTION

13. 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.
Note: if the Chief Health Officer exempts a person from this Direction, the Chief Health Officer may give such other direction to the person as the Chief Health Officer considers necessary or desirable to alleviate the declared emergency.
14. An **authorised person** may, in writing and subject to any conditions that the **authorised person** considers necessary, exempt a person from the requirement to wear a **face mask**.

Enforcement

15. 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, upon request, to produce proof of identification to the **authorised person**.
16. If a person fails to comply with any direction given under paragraph 15, then the **authorised person** may take all reasonable steps to enforce compliance with the direction.

Definitions

For the purposes of these directions:

17. **Air crew** means a person on a **domestic commercial aircraft** that lands or takes off in the Australian Capital Territory who is:
 - a. a pilot, crew member providing essential safety or maintenance functions or cabin crew member actively servicing the flight; or
 - b. an off-shift pilot, crew member providing essential safety or maintenance functions or cabin crew member travelling to reposition to commence duty in Australian Capital Territory or another State of Territory; or
 - c. an aeromedical services crew member providing patient transport or emergency medical care to a patient; or
 - d. an off-shift aeromedical services crew member who is travelling as a passenger on an aircraft to reposition to commence duty in the Australian Capital Territory or another State of Territory.

18. **Airport worker** includes:

- a. an engineer or other technical staff; and
- b. a cleaner; and
- c. a baggage handler; or
- d. a person involved in the delivery or removal of food, goods or other things in connection with an aircraft; or
- e. an employee of an airline other than **air crew**; or
- f. a person working in a café, bar, shop or other retail store; or
- g. a person providing airport security services; or
- h. a person providing law enforcement or border security services.

19. **Australian Capital Territory airspace** means the airspace located over the Australian Capital Territory.

20. **Authorised person** means an authorised person under section 121 of the *Public Health Act 1997*.

21. **Canberra airport** means:

- a. all indoor areas within the terminal; and
- b. any outdoor areas (including the tarmac) when used for the purposes of embarking or disembarking from a domestic commercial aircraft.

Note: the **Canberra airport** does not include the taxi rank.

22. **Domestic commercial aircraft** means an aircraft being used to provide passengers with transportation, on a commercial basis, only within Australia.

23. **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.



Dr Kerry Coleman

Chief Health Officer

30 June 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).

Accessibility

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Australian Capital Territory

Public Health (Restricted Activities – Gatherings, Business or Undertakings) Emergency Direction 2021 (No 4)

Notifiable Instrument NI2021–405

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 – Gatherings, Business or Undertakings) Emergency Direction 2021 (No 4)*.

2. Commencement

This instrument commences at 11:59pm on 1 July 2021.

3. Public Health Emergency Direction

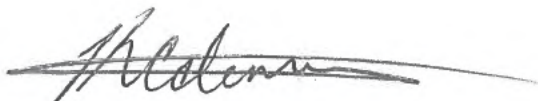
I, Dr Kerryn Coleman, Chief Health Officer, consider it necessary or desirable to alleviate the emergency declared under the *Public Health (Emergency) Declaration 2020 (No 1)* [NI2020-153] (the **declared emergency**) on 16 March 2020, to give the directions as set out in this instrument.

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 3)* [NI2021-216].



Dr Kerryn Coleman
Chief Health Officer
1 July 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.

The purpose of these directions is to restrict non-essential gatherings and the operation of non-essential businesses and undertakings in order to limit the spread of coronavirus disease 2019 (**COVID-19**), caused by the novel coronavirus SARS-CoV-2.

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 and necessary to protect the ACT community from the serious public health risk posed by COVID-19.

PART 1 — NON-ESSENTIAL GATHERING, BUSINESS OR UNDERTAKING

Directions

A. Outdoor areas

1. A person must not organise or attend a **gathering** that exceeds 1 person per 2 square metres or 1000 people per **usable outdoor space** (whichever is the lesser).
2. This part does not apply to a **gathering** to which Part 1B of this Direction applies or to a **non-essential business or undertaking**.

B. Non-residential premises

3. A person who is the occupier of **non-residential premises** in the Australian Capital Territory must take reasonable steps to not allow or organise a **gathering** that exceeds the greater of:
 - a. 25 people across the whole premises; or
 - b. the sum of:
 - i. 1 person per 2 square metres per **usable outdoor space**; and
 - ii. 1 person per 2 square metres per **usable indoor space**.



4. A person must take all reasonable steps to not attend a **gathering in non-residential premises** that exceeds the greater of:
 - a. 25 people across the whole premises; or
 - b. the sum of:
 - i. 1 person per 2 square metres per **usable outdoor space**; and
 - ii. 1 person per 2 square metres per **usable indoor space**.
5. This part does not apply to a **non-essential business or undertaking**.

C. Non-essential business or undertaking

6. A person who owns, controls or operates a **non-essential business or undertaking** described in **Column 1** of an item in **Attachment A** must:
 - a. comply with the requirements in **Column 2** of the item; and
 - b. subject to existing occupancy and licensing requirements under other laws, not allow a **gathering** in the premises that exceeds the occupancy limits listed in **Column 3** of the item, where:
 - i. a **worker** does not count towards the occupancy limit; and
 - ii. if the occupancy limit is expressed in terms of a maximum amount of tickets, each ticketed attendee counts towards the occupancy limit and the performers or participants in the event do not require tickets and do not count towards the occupancy limit; and
 - c. develop and adhere to a **COVID-19 Safety Plan**, and produce the plan when requested by an **authorised person**; and
 - d. display a **sign** at the entrance to the premises, specifying the occupancy limit of the premises under this Direction.

*Note: A **non-essential business or undertaking** must also comply with the directions relating to the Check In CBR app contained in the Public Health (Check In Requirements) Emergency Direction 2021.*

D. Organised events

7. A person who organises a **gathering** of more than 500 people for a planned event or function must develop and adhere to a **COVID-19 Safety Plan** and adhere to the requirements for the gathering in the **COVID Safe Event Protocol**.

*Note: A person who organises a gathering to which Part 1D applies must also comply with the directions relating to the **Check In CBR app** contained in the Public Health (Check In Requirements) Emergency Direction 2021.*



E. Exemption

8. 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.
9. 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.

*Note: For considerations about what is reasonable and appropriate in relation to the delivery of events, see the COVID Safe Event Protocol, set out in **Attachment D**.*

PART 2 — MATTERS RELEVANT TO THESE DIRECTIONS

A. Enforcement

10. If a person fails to comply with any requirement under this Direction, an **authorised person** may direct the person to do such things as are reasonably necessary to comply with this Direction including, upon request, to produce proof of identification to the **authorised person**.
11. If a person fails to comply with any requirement under this Direction, the **authorised person** may take all reasonable steps to enforce compliance with this Direction pursuant to section 121 of the *Public Health Act 1997*.

B. Guidance

12. Risk mitigation guidance is provided at **Attachment B** 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 **non-essential business or undertaking**.

C. Gatherings

13. The definition of **gathering** in paragraph 21 sets out the kinds of **gatherings** that are not subject to restriction under this Direction.

D. Definitions

For the purposes of this Direction:

14. **Authorised person** means an authorised person under section 121 of the *Public Health Act 1997*.
15. **Betting agency** means a TAB or KENO agency either in a stand-alone venue or within a licensed venue.
16. **Casino** has the same meaning as in the *Casino Control Act 2006*.



17. **Check In CBR app** has the same meaning as in the *Public Health (Check In Requirements) Emergency Direction 2021*.

Note: The information provided is stored for 28 days before being deleted, and is only used in accordance with ACT Health's privacy policy.

18. **COVID-19 Safety Plan** means a plan:

- a. 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; and
- b. developed with regard to guidance material set out in **Attachment C**.

19. **COVID Safe Event Protocol** means the protocol set out in **Attachment D**.

20. **End of year event** means a school graduation, formal, or end of year ceremony, concert or assembly.

21. **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. at a food market, supermarket, grocery store, retail store, or shopping centre that is necessary for the normal business of those premises; or
- m. to attend at a restaurant or café to collect or deliver takeaway meals and beverages; or
- n. at an office building, workplace factory or construction site, that is necessary for the normal operation of those premises; or



32. **Sign**, displayed at an entrance to a place, means information displayed adjacent to or in close proximity to the entrance that is clearly visible to a member of the public entering the place.
33. **Usable** for an **indoor space** or **outdoor space** means the space that people can freely move around in, but not including the following areas:
- stages and similar areas;
 - restrooms, changerooms and similar areas;
 - areas occupied by fixtures, fittings, and displays; and
 - staff only areas and areas that are closed off or not being used.
34. **Worker** means an individual who carries out work in relation to a business or undertaking, whether for reward or otherwise, under an arrangement with the person conducting the business or undertaking, and includes an employee, independent contractor, outworker, person doing a work experience placement, volunteer, and an official for an organised sporting activity.

E. Other

35. 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:
- the *Public Health (Self-Isolation) Emergency Direction 2020 (No 4)* [NI2020-662]; and
 - the *Public Health (Returned Travellers) Emergency Direction 2021* [NI2021-339].

Dr Kerry Coleman

Chief Health Officer

1 July 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).



ATTACHMENT A – Requirements, Including Occupancy Limits, for Non-Essential Businesses or Undertakings
(see paragraphs 6(a) and 6(b) of this Direction)

Note 1: Part 1 paragraph 6 imposes requirements for all **non-essential businesses or undertakings** for safety plans, and signs, which apply unless otherwise noted.

Note 2: Part 1 paragraph 6(b) governs when workers or other participants count towards the limits in **Column 3** of this attachment.

Note 3: A **non-essential business or undertaking** must also comply with the directions relating to the **Check In CBR app** contained in the Public Health (Check In Requirements) Emergency Direction 2021.

	Column 1 Business or undertaking	Column 2 Other requirements	Column 3 Occupancy limit
1	<ul style="list-style-type: none"> a. a business that supplies liquor for consumption on on licence premises, whether or not it also supplies food; or b. a hotel to the extent it supplies food or beverages for consumption on its premises, whether or not the premises are on licence premises, but not including any part of the hotel constituted by a bottle shop, accommodation provision, function facilities, takeaway meals or a meal delivery service; or c. a nightclub; or d. a restaurant, café or canteen, whether or not its premises are on licence premises, but not including: 	<ul style="list-style-type: none"> a. the venue displays a sign at the entrance to each usable space, specifying the occupancy limit for the space under this Direction. b. for a business or undertaking that has a dedicated dancing area, 1 person per 2 square metres may be in each dedicated dancing area at one time. 	<p>the greater of:</p> <ul style="list-style-type: none"> a. 25 people across the whole premises; or b. the sum of 1 person per 2 square metres per usable outdoor space and usable indoor space



	Column 1 Business or undertaking	Column 2 Other requirements	Column 3 Occupancy limit
	<ul style="list-style-type: none"> i. the extent to which it provides takeaway meals or a meal delivery service; or ii. a café or canteen at a hospital; or iii. a café or canteen at a residential aged care facility; or iv. a café or canteen at a school; or v. a café or canteen at a correctional centre; or vi. a café or canteen at a community sporting facility; or vii. a military café or canteen; or viii. a café or canteen that provides food or drink to those experiencing homelessness 		
2	a food court	<ul style="list-style-type: none"> a. the business that provides the tables and chairs in the food court is responsible for the actions outlined under Part 1 paragraphs 6(c). b. the venue displays a sign at the entrance to each usable space, 	<p>the greater of:</p> <ul style="list-style-type: none"> a. 25 people across the whole premises; or b. the sum of 1 person per 2 square metres per usable outdoor space and usable indoor space



	Column 1 Business or undertaking	Column 2 Other requirements	Column 3 Occupancy limit
		specifying the occupancy limit for the space under this Direction.	
3	<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 outlined in paragraph 21(d)); or c. a bootcamp or personal trainer 	a. the venue displays a sign at the entrance to each usable space , specifying the occupancy limit for the space under this Direction.	the greater of: <ul style="list-style-type: none"> a. 25 people across the whole premises; or b. the sum of 1 person per 2 square metres per usable outdoor space and usable indoor space
4	<ul style="list-style-type: none"> a. an organised sporting activity, except where the activity is described in Item 13(b) or Item 14; or b. a swimming pool, but not to the extent that it is being used as a hydrotherapy pool 	a. the venue displays a sign at the entrance to each usable space , specifying the occupancy limit for the space under this Direction.	the greater of: <ul style="list-style-type: none"> a. 25 people across the whole premises; or b. the sum of 1 person per 2 square metres per usable outdoor space and usable indoor space, up to 1000 people across the whole premises.
5	a. a community centre or facility, or a youth centre or facility; or	<i>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</i>	the greater of <ul style="list-style-type: none"> a. 25 people across the whole premises; or



Column 1 Business or undertaking	Column 2 Other requirements	Column 3 Occupancy limit
<ul style="list-style-type: none">b. an indoor or outdoor play centre, or an indoor arcade or amusement centre; orc. musical rehearsals, including for choirs, bands and orchestras, except where the rehearsal is taking place in a venue described in another item; ord. a gaming or gambling venue, a casino or a betting agency; ore. a hairdresser or barber; orf. a nail salon; org. a tattoo or body modification studio; orh. a place that provides beauty therapy, tanning or waxing services; ori. a day spa or place that provides massage services, steam-based services (including saunas, steam rooms, steam cabinets and bathhouses); orj. a strip club, brothel or escort agency; ork. an auction house; orl. a real estate auction, display home or open home	<p><i>those activities also need to be complied with.</i></p>	<ul style="list-style-type: none">b. the sum of 1 person per 2 square metres per usable outdoor space and usable indoor space.



	Column 1 Business or undertaking	Column 2 Other requirements	Column 3 Occupancy limit
6	except where the activity is described in Item 7 an event at a conference or convention venue	<p>a. it is ticketed or requires a formal registration for attendance;</p> <p>b. the venue displays a sign at the entrance to each usable space, specifying the occupancy limit for the space under this Direction.</p> <p><i>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.</i></p>	<p>the greater of:</p> <p>a. 25 people across the whole premises; or</p> <p>b. the sum of 1 person per 2 square metres per usable outdoor space and usable indoor space</p>
7	an event at the National Convention Centre Canberra	<p>a. it is ticketed or requires a formal registration for attendance;</p> <p>b. the venue displays a sign at the entrance to each usable space, specifying the occupancy limit for the space under this Direction.</p> <p>c. the venue's Covid-19 Safety Plan must be updated to reflect the changes in</p>	<p>a. For the Royal Theatre within the National Convention Centre Canberra, 100% of seating capacity where an event is ticketed and seated (excluding workers and performers);</p> <p>b. For all other usable spaces, 75% of capacity</p>



	Column 1 Business or undertaking	Column 2 Other requirements	Column 3 Occupancy limit
		<p>Occupancy Limit in Column 3, but does not require re-approval in writing by the Chief Health Officer.</p> <p><i>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.</i></p>	
8	a place of worship , including for a religious ceremony, but not including for a wedding or a funeral	<p>the requirements under Part 1 paragraph 6 are subject to the following modifications:</p> <p>a. Part 1 paragraph 6(c) only applies to gatherings of more than 25 people; and</p>	<p>the greater of:</p> <p>a. 25 people across the whole premises; or</p> <p>b. the sum of 1 person per 2 square metres per usable outdoor space and usable indoor space.</p>
9	<p>a. a wedding; or</p> <p>b. a funeral; or</p>	<p><i>Note: If the gathering takes place at a venue being used for the supply of liquor, service of a meal, or another function/activity addressed separately in</i></p>	<p>the greater of:</p> <p>a. 25 people across the whole premises; or</p>



	Column 1 Business or undertaking	Column 2 Other requirements	Column 3 Occupancy limit
	c. a gathering following a wedding or funeral, such as a reception or a wake (however described)	<i>the Direction, the provisions relevant to those activities also need to be complied with.</i>	b. the sum of 1 person per 2 square metres per usable outdoor space and usable indoor space .
10	a. a gallery, museum, national institution or historic site; or b. an outdoor amusement park or attraction; or c. a library	a. the venue displays a sign at the entrance to each usable space , specifying the occupancy limit for the space under this Direction. <i>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.</i>	a. the sum of 1 person per 2 square metres per usable outdoor space and usable indoor space .
11	a cinema or movie theatre	a. it is ticketed and attendees remain seated b. the venue displays a sign in each usable space that is a theatre, specifying the occupancy limit under this Direction	a. If there is a COVID-19 Safety Plan approved in writing by the Chief Health Officer, 100% of seating capacity for each individual cinema or movie theatre (excluding any workers on the premises). Otherwise: b. 75% of capacity within each individual theatre.



	Column 1 Business or undertaking	Column 2 Other requirements	Column 3 Occupancy limit
12	an indoor event performance in any location with forward facing, fixed and tiered seating, such as a concert venue, theatre, arena or auditorium	<p>a. it is ticketed and attendees remain seated as far as practicable;</p> <p>b. for an event that has a dedicated dancing area, 1 person per 2 square metres may be in each dedicated dancing area at one time.</p> <p><i>Note: If the venue does not have fixed and/or tiered seating, it must comply with the requirements in Item 1.</i></p>	<p>a. If there is a COVID-19 Safety Plan approved in writing by the Chief Health Officer, 100% of seating capacity (excluding workers and performers);</p> <p>Otherwise:</p> <p>b. 75% of seating capacity</p>
13	<p>except where the activity is described in Item 14:</p> <p>a. an outdoor event performance in any location with forward facing and tiered seating, such as a concert venue, theatre, arena or auditorium; or</p> <p>b. an organised sporting activity in an outdoor stadium that is enclosed and has permanent tiered seating.</p>	<p>a. it is ticketed and attendees remain seated as far as practicable;</p>	<p>a. 100% of seating capacity for fixed seating areas; and</p> <p>b. 1 person per 2 square metres for any unfixed seating areas, up to 1000 people.</p>
14	an event at GIO Stadium or Manuka Oval	<p>a. it is ticketed and attendees remain seated as far as practicable;</p>	<p>a. 100% of seating capacity for fixed seating areas; and</p> <p>b. 1 person per 2 square metres for any unfixed seating areas.</p>



	Column 1 Business or undertaking	Column 2 Other requirements	Column 3 Occupancy limit
15	an event at Exhibition Park in Canberra (EPIC)		<p>a. If the event is attended by fewer than 2000 people, and has a COVID-19 Safety Plan approved in writing by the Chief Health Officer, 75% of capacity across each indoor and outdoor space, or;</p> <p>b. If the event is attended by fewer than 2000 people but does not have a COVID-19 Safety Plan approved in writing by the Chief Health Officer, the sum of 1 person per 2 square metres per usable outdoor space and usable indoor space.</p>





ATTACHMENT B – 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 isolate 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**;
- For settings where there is ongoing movement and an increased number of interactions between people (for example food markets) and an individual's attendance is not in the course of their employment at the place, an individual's attendance should be less than 2 hours duration;
- 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**.

Accessibility

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Australian Capital Territory

Public Health (COVID-19 Affected Areas) Emergency Direction 2021 (No 10)

Notifiable Instrument NI2021-424

made under the

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

1. Name of instrument

This instrument is the *Public Health (COVID-19 Affected Areas) Emergency Direction 2021 (No 10)*.

2. Commencement

This instrument commences at 11:59pm on 9 July 2021.

3. Public Health Emergency Direction

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

4. Duration

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

5. Revocation

This Direction revokes the *Public Health (COVID-19 Affected Areas) Emergency Direction 2021 (No 9)* [NI2021-355].



Dr Kerryn Coleman
Chief Health Officer

9 July 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.

The purpose of this Direction is to limit the spread of coronavirus disease 2019 (**COVID-19**), caused by the novel coronavirus SARS-CoV-2.

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 and necessary to protect the ACT community from the serious public health risk posed by COVID-19.

PART 1 – COVID-19 AREAS OF CONCERN NOTICE

1. The Chief Health Officer may, by written notice published on an ACT government website, identify an area or place as a **COVID-19 affected area**, an **affected area subject to a stay-at-home requirement** or a **COVID-19 place of concern**.

Note: <https://www.covid19.act.gov.au/updates/covid-19-affected-areas>

2. A **COVID-19 areas of concern notice** may state:
 - a. a time at which an area or place becomes a **COVID-19 affected area**, an **affected area subject to a stay-at-home requirement**, or a **COVID-19 place of concern**; and
 - b. the period during which an area or place is a **COVID-19 affected area**, an **affected area subject to a stay-at-home requirement**, or a **COVID-19 place of concern**.
3. A time or period stated for an area or place in a **COVID-19 areas of concern notice** may be before the commencement of the notice.

PART 2 – AFFECTED PERSON—RESIDENT OF AUSTRALIAN CAPITAL TERRITORY

Direction

4. This part applies to an **affected person** who is a **resident of the Australian Capital Territory**.
5. The **affected person** must:
 - a. travel immediately to **designated premises** to undertake a **period of quarantine**; and
 - b. not leave the **designated premises** other than in an emergency; and
 - c. if the **affected person** is an adult—not permit any other person who does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes.
6. If the **affected person** is an **unaccompanied child**:
 - a. a parent, guardian, person with **parental responsibility** or **carer** of the child must:
 - i. quarantine with the child at the **designated premises** for the **period of quarantine**; and
 - ii. not leave the **designated premises** other than in an emergency; and
 - iii. not permit any other person who does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes; and
 - b. all members of the **household** of the **designated premises** of an **affected person** must:
 - i. not leave the **designated premises** after the beginning of the **period of quarantine** other than in an emergency; and
 - ii. comply with any request of an **authorised person**, including to produce proof of identification.
7. The **affected person** must, on each occasion they intend to travel to the Australian Capital Territory, declare their intention to travel by completing an **exemption form** within 24 hours before their intended arrival in the Australian Capital Territory.
8. However, if the **affected person** arrives in the Australian Capital Territory without having completed an **exemption form**, they must:
 - a. complete an **exemption form** on arrival; and
 - b. comply with any direction given by an **authorised person**.
9. If the **affected person** is a child, a requirement to complete an **exemption form** under paragraph 7 or 8 must be completed by the child's parent, guardian, person with **parental responsibility** or **carer**.

10. If the **affected person** is required to obtain an exemption, approval or other permission (an **authorisation**) to leave a State or Territory where the person is located, the **affected person** must, before arriving in the Australian Capital Territory:
 - a. obtain the authorisation; and
 - b. provide evidence to ACT Health through the **exemption form** of the authorisation.

PART 3 – AFFECTED PERSON—NOT RESIDENT OF AUSTRALIAN CAPITAL TERRITORY

Direction

11. This part applies to an **affected person** who is not a **resident of the Australian Capital Territory**.
12. The **affected person** must not enter into the Australian Capital Territory unless they obtain an **exemption** before arriving.
13. If the **affected person** is a child, a requirement to obtain an **exemption** under paragraph 12 must be completed by the child's parent, guardian, person with **parental responsibility** or **carer**.
14. The **affected person** must, on arrival in the Australian Capital Territory:
 - a. travel immediately to **designated premises** to undertake a **period of quarantine**; and
 - b. not leave the **designated premises** other than in an emergency; and
 - c. if the **affected person** is an adult—not permit any other person who does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes.
15. If the **affected person** is an **unaccompanied** child, a parent, guardian, person with **parental responsibility** or **carer** of the child must:
 - a. quarantine with the child at the **designated premises** for the **period of quarantine**; and
 - b. not leave the **designated premises** other than in an emergency; and
 - c. not permit any other person who does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes.

PART 4 – AFFECTED PERSON ON COMMENCEMENT OF COVID-19 AREAS OF CONCERN NOTICE

Direction

16. This part applies to a person if:
 - a. immediately before the commencement of a **COVID-19 areas of concern notice**, a person is:
 - i. in the Australian Capital Territory; and
 - ii. not an **affected person**; and
 - b. on commencement of the notice, the person becomes an **affected person**.
17. The person must:
 - a. travel immediately to **designated premises** to undertake a **period of quarantine**; and
 - b. not leave the **designated premises** other than in an emergency; and
 - c. if the person is an adult—not permit any other person who does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes.
18. If the **affected person** is an **unaccompanied child**:
 - a. a parent, guardian, person with **parental responsibility** or **carer** of the child must:
 - i. quarantine with the child at the **designated premises** for the **period of quarantine**; and
 - ii. not leave the **designated premises**, other than in an emergency; and
 - iii. not permit any other person that does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes; and
 - b. all members of the **household** of the **designated premises** of an **affected person** must:
 - i. not leave the **designated premises** after the beginning of the **period of quarantine** other than in an emergency; and
 - ii. comply with any request by an **authorised person**, including to produce proof of identification.
19. An **affected person** must complete a **self-declaration form** within 24 hours after the commencement of the **COVID-19 areas of concern notice**.
20. If the **affected person** is a child, a requirement to complete a **self-declaration form** under paragraph 19 must be completed by the child's parent, guardian, person with **parental responsibility** or **carer**.

PART 5 – AFFECTED AREA SUBJECT TO A STAY-AT-HOME REQUIREMENT

Direction

21. This part applies to a person who has been in an **affected area subject to a stay-at-home requirement**.
22. If a person who is not an **affected person** has been in an **affected area subject to a stay-at-home requirement**, and the person is a **resident of the Australian Capital Territory** they must:
 - a. travel immediately to **designated premises** and stay at home in accordance with any conditions or guidance within a **COVID-19 areas of concern notice** that applies to the **affected area subject to a stay-at-home requirement**; and
 - b. on each occasion they travel to the Australian Capital Territory, complete a **self-declaration form** within 24 hours before their intended arrival in the Australian Capital Territory
 - c. if the person arrives in the Australian Capital Territory without having completed a **self-declaration form**, they must:
 - i. complete a **self-declaration form** on arrival; and
 - ii. comply with any direction given by an **authorised person**.
23. If the person subject to paragraph 22 is a child, a **self-declaration form** must be completed by the child's parent, guardian, person with **parental responsibility** or **carer**.
24. If a person who is not an **affected person** has been in an **affected area subject to a stay-at-home requirement**, and the person is not a **resident of the Australian Capital Territory** they must:
 - a. not enter into the Australian Capital Territory unless they obtain an **exemption** before arriving; and
 - b. If the person is a child, an **exemption** application must be completed by the child's parent, guardian, person with **parental responsibility** or **carer**.
25. If a person who is granted an exemption under paragraph 24 the person must travel immediately to **designated premises** and stay at home in accordance with any conditions or guidance within a **COVID-19 areas of concern notice** that applies to the **affected area subject to a stay-at-home requirement**.
26. If a person subject to this part is required to obtain an exemption, approval or other permission (an **authorisation**) to leave a State or Territory where the person is located, the person must, before arriving in the Australian Capital Territory:
 - a. obtain the authorisation; and
 - b. give ACT Health a copy of the authorisation.

PART 6 – PEOPLE WHO HAVE BEEN IN A COVID-19 PLACE OF CONCERN

27. If a person who is not an **affected person** has been in a **COVID-19 place of concern**, they must abide by any conditions or guidance within a **COVID-19 areas of concern notice** that applies to the **COVID-19 place of concern**.

PART 7 – MISCELLANEOUS DIRECTIONS

Direction

28. 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.
29. Any person arriving at or in the Australian Capital Territory must comply with any request made under paragraph 28 by an **authorised person**.
30. 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.
- Examples of directions:*
- An authorised person may direct a person to show the authorised person proof of residence in the Australian Capital Territory.*
- An authorised person may direct a person to show the authorised person that person's exemption to enter the Australian Capital Territory.*
- An authorised person may direct a person who does not have an exemption to not enter the Australian Capital Territory.*
31. Any person subject to this Direction must comply with any request under paragraph 30 by an **authorised person**.
32. 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**.
33. If a person fails to comply with any direction given under paragraph 32, the **authorised person** may take all reasonable steps to enforce compliance with the direction.
34. A person must, if requested by an **authorised person**, state if they have been in a **COVID-19 affected area**.
35. An **affected person** must communicate to any person they come into contact with during the **period of quarantine** that they are undertaking a **period of quarantine** under this Direction.

36. When booking accommodation to undertake a **period of quarantine**, the **affected person** must communicate to the accommodation provider that the booking is for the person to undertake a **period of quarantine** under this Direction.
37. Any person required to quarantine under this Direction must do so at their own expense.
38. 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.
39. An **authorised person** may, in writing and subject to any conditions that the **authorised person** considers necessary, exempt a person from the full **period of quarantine**.

PART 8 – GUIDANCE

40. If a person tests positive to COVID-19 during the **period of quarantine**, they must comply with the *Public Health (Diagnosed People and Close Contacts) Emergency Direction 2021* [NI2021-421].
41. For the purposes of Parts 2 and 4, all members of the **household** of the **designated premises** should undertake a **period of quarantine** in accordance with the guidance provided at Attachment A to this Direction.
42. Guidance is provided at Attachment B in relation to the **exemption** process for a person who is not a resident of the Australian Capital Territory in Parts 3 and 5.
43. Guidance is provided at Attachment C in relation to persons entering the Australian Capital Territory by road for transport or freight purposes (including furniture removalists).

Definitions

For the purposes of this Direction:

44. **Affected person** means a person who:
- a. has been given notice that they are a **close contact**; or
 - b. has been in a **COVID-19 affected area** at any relevant time or during any relevant period stated in the notice (if any), other than a person who:
 - i. transits through a **COVID-19 affected area** by road or rail, including to attend an airport (other than a **COVID-19 affected area** that is within the airport), provided the person does not exit the airport or the motor vehicle or train in which the person is travelling while in the **COVID-19 affected area**; or
 - ii. enters the Australian Capital Territory for urgent medical, law enforcement or emergency purposes; or
 - iii. enters the Australian Capital Territory by road for transport or freight purposes (including furniture removalists); or
 - iv. arrives in the Australian Capital Territory by air for the purpose of transiting to another destination, and does not leave the Canberra Airport; or
 - v. arrives in the Australian Capital Territory by road or air for the purpose of transiting to New South Wales by road and immediately does so; or
 - vi. has undergone an unbroken 14-day period of hotel quarantine in Australia following a flight that originated from overseas, and has travelled directly to the Australian Capital Territory immediately upon completion of quarantine.
45. **Affected area subject to a stay-at-home requirement** means an area or place identified as an affected area from which a person must stay-at-home in a **COVID-19 areas of concern notice**, other than where a person:
- a. transits through an **affected area subject to a stay-at-home requirement** by road or rail, including to attend an airport (other than an **affected area subject to a stay-at-home requirement** that is within the airport) provided the person does not exit the airport or the motor vehicle or train in which the person is travelling while in the **affected area subject to a stay-at-home requirement**; or
 - b. enters the Australian Capital Territory for urgent medical, law enforcement or emergency purposes; or
 - c. enters the Australian Capital Territory by road for transport or freight purposes (including furniture removalists); or
 - d. arrives in the Australian Capital Territory by air for the purpose of transiting to another destination, and does not leave the Canberra Airport; or
 - e. arrives in the Australian Capital Territory by road or air for the purpose of transiting to New South Wales by road and immediately does so; or
 - f. has undergone an unbroken 14-day period of hotel quarantine in Australia following a flight that originated from overseas, and has travelled directly to the Australian Capital Territory immediately upon completion of quarantine.



46. **Arrival**, of a person in the Australian Capital Territory, means the point at which:
- for travel by air – the person disembarks the plane at the Canberra airport; or
 - for travel by bus – the person disembarks the bus in the Australian Capital Territory; or
 - for travel by train – the person disembarks the train in the Australian Capital Territory; or
 - for travel by car – the car crosses the border from New South Wales into the Australian Capital Territory; and
 - by any other means – the person crosses the border from New South Wales into the Australian Capital Territory.
47. **Authorised person** means an authorised person under section 121 of the *Public Health Act 1997*.
48. **Carer**, for the purposes of this Direction, includes an appropriate adult nominated by a person with **parental responsibility**.
49. **Close contact** means a person who has been given notice that they are a close contact of a diagnosed COVID-19 case by an **authorised person**, or by the Department of Health responsible for the State or Territory in which the **COVID-19 affected area** is located, as amended from time to time.
50. **COVID-19 affected area** means an area or place identified as an affected area in a **COVID-19 areas of concern notice**.
51. **COVID-19 areas of concern notice** means a notice made under paragraph 1.
52. **COVID-19 place of concern** means an area or place identified as a place of concern in a **COVID-19 areas of concern notice**.
53. Unless stated otherwise in writing by the Chief Health Officer, **designated premises** means:
- if the **affected person** is a **resident of the Australian Capital Territory**—the person’s usual place of residence or other premises that is suitable for the person to reside in for a **period of quarantine** or to stay-at-home as required in a **COVID-19 areas of concern notice**; or
 - if the **affected person** is not a **resident of the Australian Capital Territory**—accommodation that is suitable for the person to reside in for a **period of quarantine** or to stay-at-home as required in a **COVID-19 areas of concern notice**.

54. **Exemption** means:
- a. for Part 2 – a written confirmation of the authority of the **affected person** as a **resident of the Australian Capital Territory** to enter the Australian Capital Territory issued by the Chief Health Officer or an **authorised person** following:
 - i. verification of the identity and residency of the **affected person**; and
 - ii. confirmation of the location and suitability of the **designated premises** in which the **affected person** will undertake their **period of quarantine**; and
 - iii. confirmation that the **affected person** has obtained any necessary permissions to travel from the jurisdiction from which the person will be travelling.
 - b. for Parts 3 and 5 -
a written approval, whether unconditional or conditional, issued by the Chief Health Officer or an **authorised person** for an **affected person** who is not a **resident of the Australian Capital Territory** to enter the Australian Capital Territory.
55. A **household** means people who ordinarily reside at the same residential premises.
56. **Resident of the Australian Capital Territory** means a person whose principal place of residence, or home that the person primarily occupies on an ongoing and permanent basis, is in the Australian Capital Territory.
57. **Parental responsibility** is as defined in section 15 of the *Children and Young People Act 2008*.
58. A **period of quarantine** means either:
- a. a period of 14 days beginning on the day after the last date the person was in a **COVID-19 affected area** and concluding at 11:59 pm on Day 14; or
 - b. if any other period of time is provided for in a **COVID-19 areas of concern notice**, that period of time.
59. **Self-declaration form** means a form approved by the Chief Health Officer for the purposes of Part 4 or Part 5.

60. For an **affected person** who is a child, **unaccompanied** means without the presence of a person with **parental responsibility**.



Dr Kerry Coleman

Chief Health Officer

9 July 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).

ATTACHMENT A

Guidance for members of households who are required to quarantine (Parts 2 and 4 only)

- If the **affected person** under **Parts 2 and 4** can maintain appropriate separation from other members of the **household**, the other members of the **household** do not need to quarantine.
- Appropriate separation means that the **affected person** should sleep in a separate bedroom, use a separate bathroom if available, and avoid spending time in the same room as other members of the **household**. If the **affected person** needs to be in the same room as members of the **household**, the **affected person** and members of the **household** should wear a mask.
- If an **affected person** and members of the **household** cannot maintain separation as described above, then the members of the **household** will need to quarantine with the **affected person**, or the **affected person** should undertake quarantine in alternative **accommodation**.
- If a member of the **household** undertakes quarantine with the **affected person**, other than in the case of an emergency, all members of the **household** should remain in the designated premises for the **period of quarantine**.

ATTACHMENT B

Guidance for exemption in relation to Parts 3 and 5 for a person who is not a resident of the Australian Capital Territory

- Applications for exemption from this Direction for an **affected person** who is not a **resident of the Australian Capital Territory** must be submitted not more than two weeks in advance of proposed travel to the Australian Capital Territory and no less than 72 hours in advance of the proposed travel date.
- If an **affected person** requires an exemption, approval or other permission (an **authorisation**) to leave a State or territory, that authorisation must be obtained prior to applying for an exemption to enter the Australian Capital Territory and evidence of the authorisation must be provided.
- It is highly unlikely that an exemption will be granted at the point of arrival in the Australian Capital Territory.
- Applications are prioritised according to travel date and those with long lead times are unlikely to be processed earlier than two weeks before travel, due to the possibility of changing border restrictions.
- Applications for exemption will only be granted in highly exceptional circumstances. Strict quarantine requirements may still apply even if an exemption to enter the Australian Capital Territory has been granted.
- Only the following exceptional circumstances will be considered for an exemption:
 - a. Providing essential services in the Australian Capital Territory which may include the following industries:
 - i. health care;
 - ii. government, law enforcement or military;
 - iii. Member of Parliament or staff;
 - iv. education;
 - v. agriculture (please check eligibility by referring to the Australian Government's Agriculture Worker's code);
 - vi. maintenance or repair of critical infrastructure;
 - vii. construction, engineering, or manufacturing.
 - b. compassionate grounds e.g. visiting a family member receiving palliative care;
 - c. attending the funeral of an immediate family member;
 - d. needing to attend medical appointments;
 - e. needing a service only available in the ACT, which is time critical;
 - f. entering for child access or critical care arrangements;
 - g. required to attend court or legal proceeding; or
 - h. moving permanently to the ACT.

ATTACHMENT C

Risk Mitigation Guidance for persons entering the Australian Capital Territory by road for transport or freight purposes (including furniture removalists)

This Direction should be read in conjunction with the *Freight Movement Code for the Domestic Border Controls* which is available at:

- www.covid19.act.gov.au or
- https://www.infrastructure.gov.au/vehicles/vehicle_regulation/files/freight-movement-code-for-the-domestic-border-controls.pdf

The *Freight Movement Code for the Domestic Border Controls* provides for enforceable measures such as the following:

- A valid border permit or equivalent approval.
NOTE *The ACT requires that furniture removalists notify ACT Health prior to entering the Australian Capital Territory. Information about the notification process can be found at <https://www.covid19.act.gov.au/>.*
- A COVIDSafe workplan.
- Carrying and using COVID-19 related Personal Protective Equipment (when social distancing is not possible), including:
 - Hand sanitiser,
 - Gloves,
 - An appropriate face mask.
NOTE *Further information on face masks can be found at [https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/retail-supermarkets-and-shopping-centres/masks?tab=tab-toc-employer#heading--2--tab-toc-what are cloth masks?](https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/retail-supermarkets-and-shopping-centres/masks?tab=tab-toc-employer#heading--2--tab-toc-what%20are%20cloth%20masks?)*
- People subject to the *Freight Movement Code for the Domestic Border Controls* should be tested for COVID-19 on a rolling 7-day testing cycle until at least 14 days have passed since they were last in a **COVID-19 affected area**, and should carry evidence of the results of these tests when travelling.
- Record keeping for contact tracing purposes to be kept and retained:
 - for heavy vehicle drivers, in the work diary until lodged with the record keeper or in accordance with the legislative requirements of the relevant state (including the Northern Territory);
 - for support workers, by the worker; and
 - for rail crew, by the driver or operator.

- The records should include where they are travelling, with whom they have been in contact (including when not working), details of accommodation, and onward and return travel (as per the Freight Movement Protocol agreed by National Cabinet).
- Effective self-isolation where practicable when working during stops including for accommodation purposes.
- No passengers, unless required for the purposes of work (for example, 'two up' drivers).
- No working while symptomatic until a negative test result has been received. Workers should not return to work until after symptoms have ceased.
- Upon request from an **authorised person**, heavy vehicle drivers, rail crew and support workers where relevant, will be expected to show evidence of complying with the enforceable measures.

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.

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Australian Capital Territory

Public Health (Check In Requirements) Emergency Direction 2021 (No 2)

Notifiable Instrument NI2021-437

made under the

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

1. Name of instrument

This instrument is the *Public Health (Check In Requirements) Emergency Direction 2021 (No 2)*.

2. Commencement

This instrument commences at 11.59 pm on 20 July 2021.

3. Public Health Emergency Direction


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

4. Duration

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

5. Revocation

This Direction revokes the *Public Health (Check In Requirements) Emergency Direction 2021* [NI2021-406].



Dr Kerryn Coleman
Chief Health Officer

20 July 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.

The purpose of this Direction is to limit the spread of coronavirus disease 2019 (**COVID-19**), caused by the novel coronavirus SARS-CoV-2 by requiring reliable attendance records, which enable rapid and effective contact tracing.

In making these directions I have had regard to relevant human rights and I am satisfied that the limitations imposed as a result of these Directions are both demonstrably justifiable in a free and democratic society and necessary to protect the ACT community from the serious public health risk posed by COVID-19.

PART 1 – REGISTERING TO USE THE CHECK IN CBR APP

Note: This Direction must be read in conjunction with Directions contained within the Public Health (Restricted Activities – Gatherings, Business or Undertakings) Emergency Direction 2021 (No 4).

A. Retail Settings and non-essential businesses or undertakings

1. A person who owns, controls or operates a **retail setting** or a **non-essential business or undertaking** must, for contract tracing purposes, register to use the **Check In CBR app**, and comply with the Directions in Part 2.

B. Organised Events

2. A person who organises an **organised event** must, unless the venue of the **organised event** has already done so, for contact tracing purposes, register to use the **Check In CBR app**, and comply with Part 2 of this Direction.

C. Public Passenger Vehicles

3. A person who owns or operates a **public passenger vehicle** must register to use the **Check In CBR app**, and comply with Part 2 of this Direction.
4. However, a person who owns or operates a **public passenger vehicle** is exempt from complying with paragraphs 6 and 8 of this Direction.

PART 2 – REQUIREMENTS FOR USING THE CHECK IN CBR APP

A. Directions

5. A person required to register to use the **Check In CBR app** must:
- display a QR code for the **Check In CBR app** for people to record their attendance at the **premises** or **organised event**; and
 - take all reasonable steps to ensure that people aged 16 years or older, who attend for any purpose, record their attendance at the **premises** or **organised event** using the **Check In CBR app**.

Example 1: Reasonable steps for a **non-essential business or undertaking, retail setting or organised event** may include:

- displaying signage in places accessible to people who attend the **premises**;
- actively monitoring points of entry to ensure that people are checking-in;
- asking staff to ensure that patrons show their Check In CBR app 'green tick' demonstrating that they have checked in; and
- utilising the business profile function to assist patrons who are unable to check themselves in.

Example 2: Reasonable steps for a **public passenger vehicle** may include:

- for a light rail vehicle or public bus, displaying signage in places to accessible to people who attend the **premises**;
- for a taxi, rideshare vehicle or hire car, ensuring drivers ask passengers to use the **Check In CBR app**.

6. If the **Check In CBR app** is unavailable for use at the **premises** or an **organised event**, a person required to register to use the **Check In CBR app** must:
- keep a written record of:
 - the first name and contact phone number of each person who attends the **premises** or **organised event**; and
 - the date and time at which each person attended the **premises** or **organised event**; and
 - retain the record for 28 days; and
 - produce the record if requested by an **authorised person**; and

- d. not use the written record for any purpose other than for production to an **authorised person**.

Example: Circumstances where the **Check In CBR app** may be unavailable includes where there is an internet service disruption, or a disruption to the app itself.

7. A person aged 16 years or older who for any purpose attends the **premises** or **organised event** which is registered to use the **Check In CBR app** must record their attendance using the **Check In CBR app**.
8. However, if the **Check In CBR app** is unavailable, a person aged 16 years or older must provide their first name and contact phone number to the person required to register to use the **Check In CBR app**, together with the date and time at which the person attended the **premises** or **organised event**.
9. A person required to register to use the **Check In CBR app**, including staff employed by that person, may refuse entry to any person who refuses to use the **Check In CBR app**.
10. A person is not required to use the **Check In CBR app** if the person:
 - a. does not leave their private vehicle when attending the **premises**;
Example: A drive-through take-away food service.
 - b. pays for a transaction without entering the **premises**;
Example: A service station where customers pay using a contactless payment method at a bowser (or equivalent).
 - c. is an **emergency services** worker or volunteer who attends the **premises** or **organised event** in the course of their official duties;
 - d. is an **authorised person** who attends the **premises** or **organised event** in the course of their official duties.

PART 3 – MATTERS RELEVANT TO THESE DIRECTIONS

A. Enforcement

11. An **authorised person** may ask a person for any information necessary to determine whether the person is subject to this Direction.
12. Any person must comply with any request made under paragraph 11 by an **authorised person**.

13. 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, upon request, to produce proof of identification to the **authorised person**.
14. Any person subject to this Direction must comply with any request under paragraph 13 by an **authorised person**.

B. Exemptions from this Direction

15. 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.
16. 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.

C. Definitions

For the purposes of this Direction:

17. **Authorised person** means an authorised person under section 121 of the *Public Health Act* and includes an authorised medical officer under the *Public Health Act*.
18. **Check In CBR app** means the app developed by ACT Health for contact tracing purposes which, when used by a person, provides ACT Health with details of their attendance at a **premises** or **organised event** registered to use the **Check In CBR app**.

Note: The information provided is stored for 28 days before being deleted, and is only used in accordance with ACT Health's privacy policy.

19. **Emergency services** means the ambulance service, the police, the fire and rescue service, the rural fire service or the SES.
20. **Gathering** has the same meaning as in the *Public Health (Restricted Activities – Gatherings, Business or Undertakings) Emergency Direction 2021 (No 4)*.
21. **Organised event** means an organised **gathering** for a planned event or function but does not include a private function or event at an outdoor setting or **residential premises**.

Example: Events that are not considered an organised event include: private birthday parties at residential premises; and extended family picnics at local public places.

22. **Non-essential business or undertaking** has the same meaning as in the *Public Health (Restricted Activities – Gatherings, Business or Undertakings) Emergency Direction 2021 (No 4)*.

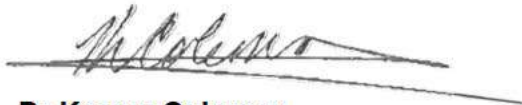
23. **Premises** means the place from which a **retail setting** or **non-essential business or undertaking** operates and a **public passenger vehicle**.
24. **Public passenger vehicle** means a public bus, light rail vehicle, taxi, rideshare vehicle or hire car as defined under the *Road Transport (Public Passenger Services) Act 2001*.

Note: A bus chartered for a school excursion is not captured by the definition of a public bus.

25. **Retail setting** means any business involved in the sale or hire of goods by retail, or the supply of services by retail, other than a **non-essential business or undertaking**, including but not limited to:
- a. a motor vehicle and motor vehicle parts trading retailer;
 - b. a fuel retailer;
 - c. a food retailer, including:
 - i. supermarkets and grocery stores;
 - ii. fresh meat, fish and poultry retailers;
 - iii. liquor retailers;
 - iv. other specialised food retailers;
 - d. a shopfront providing services to the general public, including:
 - i. automotive repair and maintenance services;
 - ii. domestic appliance repair and maintenance services;
 - iii. laundry and dry cleaning services;
 - iv. photographic and film processing services;
 - e. a store-based retailer, including:
 - i. furniture, floor coverings, houseware and textile goods retailers;
 - ii. electrical and electronic goods retailers;
 - iii. hardware, building and garden supplies retailers;
 - iv. pharmaceutical, cosmetic and toiletry goods retailers;
 - v. stationery goods retailers;
 - vi. flower retailers;

- f. a recreational goods retailer, including:
 - i. sport and camping equipment retailers;
 - ii. entertainment media retailers;
 - iii. toy and games retailers;
 - iv. newspaper and book retailers;
 - v. marine equipment retailers;
- g. a clothing, footwear and personal accessory retailer, including:
 - i. watch and jewellery retailers;
 - ii. other personal accessory retailers;
 - iii. clothing and footwear repair services;
- h. a department store;
- i. a take-away food service;
- j. a **shopping centre**.

26. **Shopping centre** has the same meaning as in s 8 of the *Leases (Commercial and Retail) Act 2001*.



Dr Kerry Coleman

Chief Health Officer

20 July 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).

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Australian Capital Territory

Public Health (Diagnosed People and Close Contacts) Emergency Direction 2021 (No 2)

Notifiable Instrument NI2021–500

made under the

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

1. Name of instrument

This instrument is the *Public Health (Diagnosed People and Close Contacts) Emergency Direction 2021 (No 2)*.

2. Commencement

This instrument commences at 11:59pm on 19 August 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 (Diagnosed People and Close Contacts) Emergency Direction 2020 (No 1)* [NI2021-421].



Dr Vanessa Johnston
Acting Chief Health Officer

19 August 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 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.

The purpose of these directions is to require people who are diagnosed with **COVID-19** to self-isolate and people identified as a **close contact** and **secondary contacts** to quarantine, in order to limit the spread of coronavirus disease 2019 (**COVID-19**), caused by the novel coronavirus SARS-CoV-2.

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 and necessary to protect the ACT community from the serious public health risk posed by COVID-19.

PART 1 — SELF-ISOLATION - COVID-19 DIAGNOSED

Directions

1. This part applies to a person who is diagnosed with **COVID-19**.
2. On being given the diagnosis, the person must—
 - a. if the person is at **designated premises** when the diagnosis is communicated to them—undertake a **period of self-isolation** at the premises; and
 - b. if the person is not at designated premises when the diagnosis is communicated to them—
 - i. travel directly to **designated premises** to undertake a period of **self-isolation**; or
 - ii. if the person requires medical treatment at a hospital—travel directly to a hospital for medical treatment and, following treatment and discharge from the hospital, travel directly to **designated premises** to undertake a **period of self-isolation**; and;
 - c. communicate to any person with whom they may come into contact that they are required to self-isolate because of their diagnosis of **COVID-19**; and
 - d. not leave the **designated premises** other than in an emergency; and

Example: An emergency may include needing to obtain urgent medical treatment, fleeing a serious risk to life or health, or escaping a risk of harm related to domestic and family violence.

- e. not permit any other person that does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes.

Note: A person who usually resides at the same premises would be considered a member of a **household**, and will be a **close contact** to whom part 2 applies.

3. If the diagnosed person is a child:
 - a. a parent, guardian, person with parental responsibility or carer of the child must:
 - i. self-isolate with the child at the **designated premises** for the **period of self isolation**; and
 - ii. not leave the designated premises other than to undertake a test for COVID-19, or in an emergency; and
 - iii. not permit any other person who does not reside at the designated premises to enter the premises, unless for medical, law enforcement or emergency purposes.
4. A **period of self-isolation** for a person to whom this part applies is the period beginning when the person is diagnosed with **COVID-19** and ending when the person is given **clearance** from self-isolation by an **authorised medical officer**.

PART 2 — QUARANTINE - CLOSE CONTACT

Directions

5. This part applies to a person who is a **close contact** of a person diagnosed with **COVID-19**.
6. The person must:
 - a. if the person is at **designated premises** when they become aware they are a **close contact**—undertake a **period of quarantine** at the premises; and
 - b. if the person is not at **designated premises** when they become aware they are a **close contact**—travel directly to **designated premises** to undertake a **period of quarantine**; and
 - c. communicate to any person with whom they may come into contact that they are in quarantine due to being a **close contact** of a person diagnosed with **COVID-19**; and
 - d. not leave the **designated premises** other than to undertake a test for COVID-19, or in an emergency; and
Example: An emergency may include needing to obtain urgent medical treatment, fleeing a serious risk to life or health, or escaping a risk of harm related to domestic and family violence.
 - e. not permit any other person that does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes.

7. If the **close contact** is a child:
 - a. a parent, guardian, person with **parental responsibility** or **carer** of the child must:
 - i. quarantine with the child at the **designated premises** for the **period of quarantine**; and
 - ii. not leave the **designated premises** other than to undertake a test for **COVID-19** or in an emergency; and
 - iii. communicate to any person with whom they may come into contact that they are in quarantine due to being a **close contact** of a person diagnosed with **COVID 19**; and
 - iv. not permit any other person that does not reside in the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes.
8. At the end of the **period of quarantine** a person must remain in quarantine for an additional period (not longer than the **supplementary quarantine period**) unless:
 - a. the person is tested for **COVID-19** when requested by an **authorised person** and returns a negative test result; and
 - b. the person is given clearance from quarantine by an **authorised person**.
9. A **period of quarantine** means a period that begins on the day the person becomes aware they are a **close contact** and ends:
 - a. if the **close contact** has no ongoing exposure to, or contact with a diagnosed person, at midnight on the fourteenth day after the last day of contact with a person diagnosed with **COVID-19**; or
 - b. if the **close contact** has ongoing exposure to, or contact with a diagnosed person, at midnight on the fourteenth day after the day that the diagnosed person returns a negative **COVID-19** test or such time as directed by an **authorised person**.

PART 3 — QUARANTINE – SECONDARY CONTACT

10. This part applies to a **secondary contact** of a **close contact**.
11. The person must:
 - a. if the person is at **designated premises** when they become aware they are a **secondary contact**—quarantine at the premises; and
 - b. if the person is not at **designated premises** when they become aware they are a **secondary contact**—travel directly to **designated premises** and quarantine at the premises; and
 - c. communicate to any person with whom they may come into contact that they are in quarantine due to being a **secondary contact** of a person diagnosed with **COVID-19**; and
 - d. not leave the **designated premises** other than to undergo a test for **COVID-19** or

in an emergency; and

Example: An emergency may include needing to obtain urgent medical treatment, fleeing a serious risk to life or health, or escaping a risk of harm related to domestic and family violence.

- e. not permit any other person that does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes

12. If the **secondary contact** is a child:

- a. a parent, guardian, person with **parental responsibility** or carer of the child must:
 - i. quarantine with the child at the **designated premises** for the duration of the child's quarantine; and
 - ii. not leave the **designated premises** other than to undertake a test for **COVID-19** or in an emergency; and
 - iii. communicate to any person with whom they may come into contact that they are in quarantine due to being a **secondary contact** of a person diagnosed with **COVID 19**; and
 - iv. not permit any other person that does not reside in the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes.

13. A secondary contact who resides in the same **household** as a close contact during their **period of quarantine** must continue to comply with paragraph 11 until an **authorised person** provides the **secondary contact** with **clearance** from quarantine.

14. A **secondary contact** who does not reside in the same **household** as a **close contact** must continue to quarantine until the earlier of the following:

- a. the relevant **close contact** is tested for **COVID-19** and returns a negative test result, provided there has been no further contact between the individuals since the time of testing; or
- b. midnight on the fourteenth day after the last day of contact with the **secondary contact**.

PART 4 — MISCELLANEOUS

15. An **authorised person** may ask a person for any information necessary to determine whether the person is subject to this Direction, including to produce proof of identification.

16. Any person must comply with any request made under paragraph 15 by an **authorised person**.

17. 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.

18. Any person subject to this Direction must comply with any request under paragraph 17 by an **authorised person**.
19. A **clearance** given by an **authorised person** must be in writing.

Guidance

20. Guidance about how an **authorised medical officer** or an **authorised person** determines whether a person is a **close contact** or a **secondary contact**, of a **close contact** of a person diagnosed with **COVID-19** can be found at <https://www.covid19.act.gov.au/>.
21. Guidance about whether people sharing a **household** with a **close contact** must also quarantine can be found at <https://www.covid19.act.gov.au/>.
22. Guidance about how a person is determined to have met the criteria for discharge from self-isolation or quarantine can be found at <https://www.covid19.act.gov.au/>.

Definitions

For the purposes of these directions:

23. **Authorised medical officer** means an authorised medical officer under the *Public Health Act 1997*.
24. **Authorised person** means an authorised person under section 121 of the *Public Health Act 1997* and includes an **authorised medical officer**.
25. **Clearance**, of a person by an **authorised person**, means when the **authorised person** considers it is safe for the person to stop complying with the relevant requirements for self-isolation or quarantine under this Direction.
26. **Close contact**, of a person diagnosed with **COVID-19**, means a person who:
 - a. is a member of the same **household** as the diagnosed person; or
 - b. has been notified by an **authorised person** that they are a **close contact**.
27. **COVID-19** means the coronavirus disease 2019, caused by the novel coronavirus SARS-CoV-2.
28. **Designated premises** means:
 - a. the person's usual place of residence or other premises that is suitable for the purposes of self-isolation or quarantine; or
 - b. if the person is not normally a resident of the Australian Capital Territory, a hotel or other premises that has been approved in writing by the Chief Health Officer or an **authorised person** for the purposes of self-isolation or quarantine; or
 - c. a room allocated on check-in at any hotel, serviced-apartment, or similar accommodation approved in writing by the Chief Health Officer or an **authorised**

- person** for the purposes of self-isolation or quarantine; or.
- d. if the Chief Health Officer, in writing, states another place—the stated place.

29. **Household** means people who ordinarily reside at the same residential premises.
30. **Period of quarantine** for a person under Part 2 means the period applying to the person under paragraph 9.
31. **Period of self-isolation** for a person under Part 1 means the period applying to the person under paragraph 4.
32. **Secondary contact**, of a **close contact** of a person diagnosed with **COVID-19**, means a person who is notified by an **authorised person** that they are a secondary contact due to the person having had, in the determination of the **authorised person**, relevant contact with or exposure to a **close contact**.
33. **Supplementary quarantine period** any period of time as directed by an **authorised person** but not longer than 10 days commencing at the end of the **period of quarantine**.



Dr Vanessa Johnston
Acting Chief Health Officer

19 August 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).

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Australian Capital Territory

Public Health (Aged Care Workers COVID-19 Vaccination) Emergency Direction 2021

Notifiable Instrument NI2021-501

made under the

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

1. Name of instrument

This instrument is the *Public Health (Aged Care Workers COVID-19 Vaccination) Emergency Direction 2021*.

2. Commencement

This instrument commences at 11.59 pm on 16 September 2021.

3. Public Health Emergency Direction

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

4. Duration

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



Dr Kerryn Coleman
Chief Health Officer

20 August 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.

The purpose of this Direction is to limit the spread of coronavirus disease 2019 (**COVID-19**), caused by the novel coronavirus SARS-CoV-2 within a particularly vulnerable population by restricting access by unvaccinated workers to residential aged care facilities.

In making these directions I have had regard to relevant human rights and I am satisfied that the limitations imposed as a result of these Directions are both demonstrably justifiable in a free and democratic society and necessary to protect the ACT community from the serious public health risk posed by COVID-19.

PART 1 – RESTRICTED ACCESS TO RESIDENTIAL AGED CARE FACILITIES BY WORKERS

A. Directions

1. A **worker** at a **residential aged care facility** must not enter or remain on the premises of a **residential aged care facility** in the Australian Capital Territory if they have not received at least one dose of a **COVID-19 vaccination**.
2. The **operator** of a **residential aged care facility** must take all reasonable steps to ensure that a person does not enter or remain on the premises of the **residential aged care facility** if the person is prohibited from doing so under paragraph 1.
3. Paragraph 1 does not apply to a **permitted person**.

PART 2 – MATTERS RELEVANT TO THESE DIRECTIONS

A. Commencement

4. This direction commences at 11:59pm on 16 September 2021.

B. Enforcement

5. An **authorised person** may ask a person for any information necessary to determine whether the person is subject to this Direction.
6. Any person must comply with any request made under paragraph 4 by an authorised person.
7. 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, upon request, to produce proof of identification to the **authorised person**.
8. A **worker at a residential aged care facility** must produce for inspection evidence acceptable to the Chief Health Officer that they have received at least one dose of a **COVID-19 vaccination** if:
 - a. directed to do so by an **authorised person**; or
 - b. required to do so by the **operator of a residential aged care facility**.
9. The **operator of a residential aged care facility** must:
 - a. take all reasonable steps to collect and maintain a record of the **vaccination status** of each **worker at the residential aged care facility**; and
 - b. on request, provide any record mentioned in paragraph 9(a) to an **authorised person** as soon as practicable after the request is made; and
 - c. not use or disclose any record referred to in paragraph 9(a) except:
 - i. as provided for in paragraph 8; or
 - ii. as permitted by any Territory or Commonwealth Law; or
 - iii. to the extent that the person expressly provided the person's vaccination status for a purpose other than these directions; and
 - d. take reasonable steps to protect any record mentioned in paragraph 9 from:
 - i. misuse and loss; and
 - ii. unauthorised access, modification or disclosure.

Note: A record of vaccination status is a health record for the purposes of the *Health Records (Privacy and Access) Act 1997*. An operator will have obligations under the *Health Records (Privacy and Access) Act 1997* in relation to the record including collection, storage, use, access, and disclosure of the record.

10. To avoid any doubt, nothing in paragraph 9 prevents the **operator of a residential aged care facility** from providing information to the Commonwealth in accordance with any obligation to do so arising under the *Aged Care Act 1997 (Cth)*.

C. Exemptions

11. 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.
12. Without limiting paragraph 11, the Chief Health Officer may provide an exemption from this Direction to:
 - a. a person who is unable, due to a medical contraindication, to receive a **COVID-19 vaccination**; or
 - b. a person for whom a **COVID-19 vaccination** is not reasonably available.
13. 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.

D. Definitions

For the purposes of these directions:

14. **Authorised person** means an authorised person under section 121 of the Public Health Act.
15. **Community visitors scheme** means an organised volunteer visitation program in respect of which a community visitors grant is payable under Part 5.6 of the *Aged Care Act 1997* (Cth).
16. **COVID-19** means the Coronavirus disease 2019, caused by the novel coronavirus SARS-CoV-2.
17. **COVID-19 vaccination** means the SARS-COV-2 (COVID-19) vaccine listed in the medicines and poisons standard (within the meaning of the *Medicines, Poisons and Therapeutic Goods Act 2008*, section 15) schedule 4.
18. **Emergency services** means the ambulance service, the police, the fire and rescue service, the rural fire service or the SES.
19. **Operator, of a residential aged care facility**, means a person who owns, controls or operates the **residential aged care facility**.
20. **Permitted person** means a person described in Column 2 of the table in Attachment A.
21. **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* (Cth).

22. **Staff member** means a person mentioned in Column 1, Item 1 of the table in Attachment A.
23. **Student on placement** means a person a person mentioned in Column 1, Item 3 of the table in Attachment A.
24. **Vaccination status** means whether a **worker** has received a **COVID-19 vaccination**.
25. A **visiting Health Practitioner** means a person mentioned in Column 1, Item 4 of the table in Attachment A.
26. **Volunteer** means a person mentioned in Column 1, Item 2 of the table in Attachment A.
27. **Worker, for a residential aged care facility**, means a person described in Column 1 of the table in Attachment A.



Dr Kerry Coleman

Chief Health Officer

20 August 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).

Attachment A – Workers and Permitted Persons

Item	Column 1 – Workers	Column 2 – Permitted Persons
1	<p>A staff member, meaning a person who:</p> <p>(a) has, or is reasonably likely to have, access to aged care residents; and is either</p> <p>i. employed, hired, retained or otherwise engaged directly by the operator of a residential aged care facility, to provide care or other services under the control of the residential aged care facility; or</p> <p>ii. is otherwise engaged by the residential aged care facility through a third party, for example an employment or recruitment agency, to provide care or other services under the control of the residential aged care facility.</p> <p><i>Example: people who constitute staff members of a residential aged care facility include:</i></p> <p>(a) <i>key personnel of the residential aged care facility; and</i></p> <p>(b) <i>employees and contractors of the residential aged care facility who provide care to aged care residents; and</i></p> <p>(c) <i>health professionals contracted by the residential aged care facility to provide care to aged care residents; and</i></p> <p>(d) <i>kitchen, laundry, garden and office personnel</i></p>	<p>Any of the following in-reach service providers or contractors, unless they are covered by item 1 Column 1 paragraph (a)(i):</p> <p>(a) a delivery driver or person providing one-off trade deliveries; or</p> <p>(b) a tradesperson; or</p> <p>(c) a hairdresser; or</p> <p>(d) a pastoral care worker or clergy including a resident's personal Minister / clergy / pastoral care worker; or</p> <p>(e) a librarian; or</p> <p>(f) a solicitor; or</p> <p>(g) an AN-ACC / ACAT / RAS assessor; or</p> <p>(h) an Aged Care Quality and Safety Commission Field staff member; or</p> <p>(i) an Aged Care Advocate delivering the National Aged Care Advocacy Program (Older Persons Advocacy Network Members).</p>

	<p><i>employed by the residential aged care facility; and</i></p> <p>(e) <i>consultants, trainers and advisors for accreditation support or systems improvement who are under the control of the residential aged care facility; and</i></p> <p>(f) <i>transport operators contracted by the residential aged care facility to collect aged care residents for outings.</i></p>	
2	<p>A volunteer, meaning a person who:</p> <p>(a) is not a staff member of the residential aged care facility; and</p> <p>(b) offers their services to and are engaged by the residential aged care facility; and</p> <p>(c) provides care or other services on the invitation of the residential aged care facility and not solely on the express or implied invitation of an aged care resident; and</p> <p>(d) has, or is reasonably likely to have, unsupervised access to aged care residents.</p>	<p>Any of the following people:</p> <p>(a) a person who visits a residential aged care facility as part of the Community Visitors Scheme; or</p> <p>(b) a person who is a family member or friend of a resident of the residential aged care facility, including a participant of the Partners in Care Programme; or</p> <p>(c) volunteers engaged outside of the residential aged care facility.</p> <p><i>Example: volunteers engaged outside of a residential aged care facility include volunteers organised by home care providers, schools and playgroup associations.</i></p>

3	<p>A student on Placement, meaning a person who attends a residential aged care facility for a vocational placement (within the meaning of s 12 of the <i>Fair Work Act 2009</i> (Cth)).</p>	
4	<p>A visiting Health Practitioner, meaning a health practitioner (as defined by s 5 of the <i>Health Practitioner Regulation National Law (ACT)</i>), who is not a staff member but who visits a residential aged care facility to provide care to aged care residents</p>	<p>An emergency services worker or volunteer, or an authorised person, who attends the residential aged care facility in the course of their official duties.</p>
5	<p>A person who provides services in connection with any of the following Commonwealth aged care programs:</p> <ul style="list-style-type: none"> (a) the Transition Care Programme; (b) the Short Term Restorative Care Programme (c) the Multi-Purpose Services Programme; (d) the National Aboriginal and Torres Strait Islander Flexible Aged Care Programme; or (e) Respite care; <p>but only to the extent that those services are being provided at the residential aged care facility.</p>	

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Australian Capital Territory

Public Health (Lockdown Restrictions) Emergency Direction 2021 (No 5)

Notifiable Instrument NI2021-510

made under the

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

1. Name of instrument

This instrument is the *Public Health (Lockdown Restrictions) Emergency Direction 2021 (No 5)*.

2. Commencement

This instrument commences at 11:59pm on Friday 27 August 2021.

3. Expiry

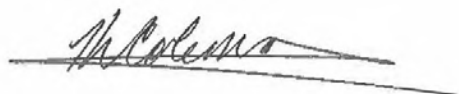
This instrument expires at 5:00pm on Thursday 2 September 2021.

4. Public Health Emergency Direction

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

5. Revocation

This instrument revokes and replaces the *Public Health (Lockdown Restrictions) Emergency Direction 2021 (No 4)* [NI2021-496].



Dr Kerryn Coleman
Chief Health Officer

27 August 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. The purpose of these directions is to limit the spread of coronavirus disease 2019 (**COVID-19**), caused by the novel coronavirus SARS-CoV-2.

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 and necessary to protect the ACT community from the serious public health risk posed by COVID-19.

PART 1 — STAY AT HOME PERIOD

A. Directions

1. This part applies to all people in the Australian Capital Territory.
2. Subject to any other restriction or requirement in this Direction, a person must not leave their **residence** other than for one or more of the following permitted purposes:
 - a. to obtain food or other **essential goods or services**;
 - b. to obtain **essential health care**;
 - c. to undertake a COVID-19 test or receive a scheduled COVID-19 vaccination;
 - d. to engage in physical activity in an **outdoor space**:
 - i. for no more than 1 hour per day; and
 - ii. either:
 - A. on their own, or
 - B. with 1 other adult who is not a member of the same **household**; or
 - C. with members from the same **household**;
 - e. to perform **essential work**;
 - f. to donate biological material at a blood bank or other similar donation facility;
 - g. for essential animal welfare purposes;
*Example – essential animal welfare purposes may include: feeding animals that live away from a person's **residence**; volunteering for the purposes of tending to injured or orphaned wildlife; ensuring that a paddock where animals are kept remains secure.*
 - h. to move to a new **residence**, where the move cannot reasonably be delayed;

- i. to access care services for people with particular needs because of homelessness, family violence, age, infirmity, disability, illness or a chronic health condition or other essential support services;
- j. to visit another person's **residence** in accordance with Part 2 of this Direction;
- k. to visit a terminally ill relative;
- l. to attend a funeral or wedding;
- m. to provide assistance, care or support to another person who is not ordinarily a member of the same **household**;
- n. to attend any court or tribunal of Australia or to comply with or give effect to orders of a court or tribunal of Australia;
- o. to attend an early learning centre, childcare, family day care, or school holiday care program, to the extent care cannot reasonably be obtained in the person's **residence**;
- p. to attend a primary school, secondary schools or college, to the extent instruction or care cannot reasonably be obtained in the person's **residence**;
- q. to assist with or participate in an investigation or other action by a law enforcement authority, whether voluntarily or not;
- r. for children under 18 years who do not live in the same **household** as their parents or siblings or one of their parents or siblings—to continue existing arrangements for access to, or contact between, parents and children or siblings, other than access to or contact with person who is at high or moderate risk of serious illness from COVID-19;
Example of a person who is at high or moderate risk of serious illness from COVID 19 – a person over 70 years, or a person with a medical condition that makes them vulnerable to COVID-19.
- s. to return to their principal place of **residence**, or move to a new principal place of **residence**;
- t. for law enforcement or emergency purposes;
Example – escaping a risk of harm related to domestic and family violence; or accessing support from a domestic and family violence support service.
- u. to comply with or give effect to the exercise of a power or function of a government agency or entity under a law;
- v. to collect goods purchased through a **click and collect** service;
- w. to attend the premises of a business or undertaking owned, controlled or operated by the person, for any of the following reasons:
 - i. for essential maintenance work or other work undertaken for the purpose of ensuring the safety of the premises;
 - ii. as required or authorised by law;
 - iii. for emergency purposes;
Example: to operate critical systems such as alarms, monitoring, cold storage, and utilities.
 - iv. to accept deliveries that cannot reasonably be delayed or diverted to the person's residential premises;

- v. to provide an urgent and essential service for the administration of the business or undertaking which cannot be undertaken in their residence;
Example: Administering a payroll system which cannot be operated from a person's residence. To access information or documents necessary for COVID-19 related support payments.
 - vi. for any other purpose permitted by this Direction.
 - x. to attend a **non-essential business, activity or undertaking** in order to undertake work in accordance with the conditions in column 2 of the Table in Attachment 2.
 - y. to attend waste management and resource recovery services.
3. Any person who leaves their **residence** must practise **social distancing** while outside their **residence**, to the extent that is reasonably practicable to do so.
 4. A person who leaves their **residence** for the purposes of paragraph 2(a) must minimise the time spent at the premises of an **essential business, activity or undertaking** to the extent that is reasonably practicable to do so.
 5. A person who leaves their **residence** for a permitted purpose under paragraph 2 (excluding paragraph 2(w)) may be accompanied by:
 - a. no more than 2 members of their **household**; or
 - b. no more than 1 person who is not a member of their **household**.
 6. However, a person who is a parent or guardian of more than one child in the same **household** may be accompanied by each child for a permitted purpose if:
 - a. the child would otherwise be left unattended; and
 - b. it would be unsafe for the child to be left unattended.
 7. A person who leaves their **residence** for a permitted purpose under paragraph 2(w) must not be accompanied by more than 1 person unless there is no other reasonable way for the purpose under paragraph 2(w) to be achieved.
 8. However, a person may be accompanied by more than 1 other person who is not a member of their **household** when leaving their **residence** for a permitted purpose if:
 - a. the person requires physical assistance to leave their **residence**, or it is reasonably necessary for the safety of the person or the public; and
 - b. the other person is a carer or support worker for the person; and
 - c. there is no other reasonable way for a purpose under paragraph 2 to be achieved.

Example – a person with a disability may be accompanied by more than 1 carer or support worker.

Note: A person who is required to quarantine or isolate under another direction or a direction of an **authorised person**, must comply with the terms of the direction to quarantine or isolate and may not leave the premises in which they are quarantining or isolating unless permitted under the terms of those directions (see paragraph 66).

PART 2 — VISITORS AT RESIDENCES

A. Directions

9. A person must not permit another person who is not ordinarily a member of the same **household** to enter and remain at the first person's **residence** other than for the permitted purposes under Part 1 of this Direction.
10. A person must not permit more than 2 people who are not ordinarily members of the same **household** to enter and remain at the first person's residence per day.
11. Paragraph 10 does not apply if:
 - a. children under 18 years are entering a residence to continue existing arrangements for access to, or contact between, parents and children or siblings, other than access to or contact with person who is at high or moderate risk of serious illness from COVID-19;
 - b. a person is entering a residence to perform essential work;
 - c. a person is entering a residence to provide services to a person with disability to meet their support needs;
 - d. a person is entering a residence to provide assistance, care or support to another person;
 - e. a person is entering a residence to visit a terminally ill relative;
 - f. a person is entering a residence to assist another person in moving residence, where the move cannot reasonably be delayed;
 - g. a person is entering a residence for law enforcement or emergency purpose;
 - h. a person is entering a residence to comply with or give effect to the exercise of a power or function of a government agency or entity under a law;

PART 3 — FACE MASKS REQUIRED

A. Directions

12. When outside their residence a person must at all times:
 - a. carry a **face mask**; and
 - b. wear a **face mask**.
13. The requirement to carry and wear a **face mask** under paragraph 12 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.
 - b. a person who has a physical or mental health illness or condition, or disability, which makes wearing a face mask unsuitable.
14. Despite paragraph 12, 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 outdoors; or
 - g. if the person is performing **essential work** where no other people are present in an **outdoor space**; or
 - h. if the person is performing **essential 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** area 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.
15. A person who removes their **face mask** in a circumstance under paragraph 14 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 4 — BUSINESSES, ACTIVITIES AND UNDERTAKINGS

B. Directions

- 16. This part applies to a person who owns, controls or operates a business, activity or undertaking in the Australian Capital Territory.
- 17. A person may operate a business, activity or undertaking in the Australian Capital Territory only if:
 - a. the business, activity or undertaking:
 - i. is an **essential business, activity or undertaking**; and

- ii. complies with the conditions for conducting the business, activity or undertaking as specified in column 2 of Attachment 1; or
 - b. for any other business, activity or undertaking:
 - i. it can be operated from the person's **residence** without involving a **gathering** that is not otherwise permitted under this Direction; or
Example – a business that is not an essential business, activity or undertaking may continue to sell goods or services online. For example, a personal trainer may offer personal training sessions online.
 - ii. it is a **non-essential business, activity or undertaking**, and complies with the conditions specified in column 2 of Attachment 2.
- 18. A person who owns, controls, or operates an **essential business, activity or undertaking** in the Australian Capital Territory must take reasonable steps to:
 - a. ensure **social distancing** of people can be accommodated, implemented and monitored by employees or contractors of the business, activity or undertaking; and
 - b. ensure a **gathering** does not exceed 1 person per 4 square metres per **usable indoor space** and **usable outdoor space**, other than where the **essential business, activity or undertaking** is a **public passenger services**; and
 - c. operate only to the extent they are not promoting or facilitating people **gathering** on or adjacent to their premises.
Example – tables and chairs in venues should be removed and all reasonable steps taken to direct people away from gathering to consume takeaway food or drink on or adjacent to, the relevant premise.

PART 5 — ENTRY AND EXIT OF RESIDENTS OF THE AUSTRALIAN CAPITAL TERRITORY

A. Directions

- 19. This part applies to a person who is a **resident** of the Australian Capital Territory.
- 20. A **resident** who is not in the Australian Capital Territory at the commencement of this Direction may enter the Australian Capital Territory.
- 21. A **resident** who enters the Australian Capital Territory under paragraph 20 must comply with this Direction.
- 22. A **resident** may leave the Australian Capital Territory:
 - a. for a permitted purpose under paragraph 2, except for paragraph 2(d); or
Note: a person must not leave the Australian Capital Territory to exercise or visit friends.
 - b. to return home to their principal place of residence, or move to a new principal place of **residence**, in another state or territory; or
Note: a person must comply with any public health directions in place in the other state or territory when in that state or territory.
 - c. to comply with the conditions of an exemption granted under paragraph 31.

23. A **resident** who leaves the Australian Capital Territory after the commencement of this Direction must continue to abide by the requirements of this Direction when outside the Australian Capital Territory.

Note: a person who leaves the Australian Capital Territory will be subject to any public health directions in force in any state or territory they enter.

PART 6 — PEOPLE WHO ARE NOT A RESIDENT OF THE AUSTRALIAN CAPITAL TERRITORY

A. Directions

24. This part applies to a person who is not a **resident** of the Australian Capital Territory.
25. Any person must comply with this Direction while in the Australian Capital Territory.
26. A person who is staying at accommodation at the commencement of this Direction may continue staying at the accommodation while this Direction is in force if the accommodation service remains open.
27. If the booking period of a person staying at accommodation expires while this Direction in force, the person must:
- leave the Australian Capital Territory; or
 - extend the booking period at the accommodation;
 - find alternative accommodation.
28. A person must not enter the Australian Capital Territory unless the person is entering the Australian Capital Territory:
- for a permitted purpose under paragraph 2, except for paragraph 2(d); or
Note: a person must not enter the Australian Capital Territory to exercise or visit friends.
 - by road for transport or freight purposes (including furniture removalists); or
 - by air for the purpose of transiting to another destination, and does not leave the Canberra Airport; or
 - by road or air for the purpose of transiting to New South Wales by road and immediately does so; or
 - to go directly to stay at a **residence** in the Australian Capital Territory; or
 - to fulfil an obligation relating to shared parenting or child contact; or
 - to perform **essential work** in the Australian Capital Territory that cannot reasonably be performed from a location outside of the Australian Capital Territory.
 - as a passenger of an ambulance, aeromedical service or other emergency medical transport; or
 - in accordance with the conditions of an exemption granted under paragraph 31.

29. Any person who enters the Australian Capital Territory under paragraph 28 may leave the Australian Capital Territory for a permitted purpose under paragraph 2, except for paragraph 2(d).

Note: a person must not leave the Australian Capital Territory to exercise or visit friends.

30. Any person who enters the Australian Capital Territory under paragraph 28 must leave the Australian Capital Territory:
- if directed to leave by an **authorised person**; or
 - if it is necessary to do so in order to comply with the conditions of an exemption granted under paragraph 31.

PART 7 — EXEMPTIONS

31. 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.
32. 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

33. 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.
34. Any person arriving at or in the Australian Capital Territory must comply with any request made under paragraph 33 by an **authorised person**.
35. 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.
36. Any person subject to this Direction must comply with any request under paragraph 35 by an **authorised person**.
37. 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**.
38. If a person fails to comply with any direction given under paragraph 37, the **authorised person** may take all reasonable steps to enforce compliance with the direction.
39. A person must, if requested by an **authorised person**, state if they have been in a **COVID-19 affected area**.

B. Definitions

For the purposes of this Direction:

40. **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*.
41. **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.
42. **COVID-19 affected area** means an area or place identified as an affected area in a notice made under paragraph 1 of the *Public Health (COVID-19 Affected Areas) Emergency Direction 2021 (No 10)* [NI2021-424].
43. **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.
44. **Essential goods or services** means goods or services obtained from an **essential business, activity or undertaking**.
45. **Essential business, activity or undertaking** means a business, activity or undertaking specified in column 1 of Attachment 1.
46. **Essential health care:**
- a. means:
- i. any health services offered by a private or public hospital or community health facility;
 - ii. any health service provided by a private or public specialist;
 - iii. emergency and licensed non-emergency patient transport;
 - iv. an appointment at an Aboriginal or Torres Strait Islander health service, confirmed in writing by the service;
 - v. an appointment with a **prescribed health practitioner**, confirmed in writing by the practitioner or provider;
Note: An appointment with a **prescribed health practitioner** may include services provided by a registered NDIS provider under an agreed NDIS Plan. An appointment at an ancillary clinic or service may include an appointment at a rehabilitation service.
 - vi. a dental service provided by a dentist, dental therapist, dental hygienist, dental prosthetist and oral health therapist to:
 - A. a patient with urgent needs; or
 - B. where failure to provide care in a clinically appropriate timeframe will lead to adverse outcomes; or
 - vii. procedures related to:
 - A. any cycle of IVF treatment for a patient; or
 - B. any procedure required for the preservation of eggs for future IVF where required health treatment will render eggs non-viable; or
 - viii. termination of pregnancy; or

- ix. drug and alcohol services;
- x. human medical research trials; but

Note: essential health care service is an essential business, activity or undertaking (see Attachment 1).

- 47. **Essential work** means work (including volunteering activities) for an **essential business, activity or undertaking** that cannot reasonably be performed from the person's **residence**.
- 48. **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.
- 49. **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 other than for the purposes of conducting an **essential business, activity or undertaking**.
- 50. A **household** means people who ordinarily reside at the same **residence**, including people staying at the **residence** temporarily from another state or territory.
- 51. **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.
- 52. **Non-essential business, activity or undertaking** means a business, activity or undertaking specified in column 1 of Attachment 2.
- 53. **Non-residential premises** has the same meaning as premises in the *Public Health Act 1997* but does not include residential premises.
- 54. **Outdoor space** means a space that is not an indoor space or a part of a **residence**.
- 55. **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.
- 56. **Prescribed health practitioner** means a person registered to provide any of the following services:
 - a. medical; or
 - b. medical radiation practice; or
 - c. midwifery; or
 - d. nursing; or
 - e. occupational therapy; or
 - f. optometry; or
 - g. paramedicine; or
 - h. pharmacy; or
 - i. physiotherapy; or
 - j. podiatry; or

- k. psychology; or
 - l. allied health services practitioner;
 - m. services as a registered NDIS provider under an agreed NDIS plan.
57. **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*.
58. **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 at the time of this Direction commencing; but
 - b. does not include a **residential aged care facility** or correctional centre, detention place or other place of custody.
59. **Resident** means a person whose principal place of **residence**, or home that the person primarily occupies on an ongoing and permanent basis, is in the Australian Capital Territory.
60. **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)*.
61. **Retail food services:**
- a. means a retail business which provides food and/or drink, whether pre-prepared or prepared on site, and includes 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.
62. **Small retail business** means a business, undertaking or activity which:
- a. sells goods or supplies services by retail; and
 - b. employs 20 or fewer employees as at 12 August 2021, calculated in the following way:
 - i. Regular casual employees are taken into account as a fraction of a full-time equivalent;
 - ii. Part-time employees are taken into account as a fraction of a full-time equivalent; and
 - iii. the person who owns, operates or controls the business, undertaking or activity is counted.

63. **Social distancing** means remaining at least 1.5 metres from other people.
64. **Usable** for an **indoor space** or **outdoor space** means the space that people can freely move around in, but not including the following areas:
- stages and similar areas;
 - restrooms, changerooms and similar areas;
 - areas occupied by fixtures, fittings, and displays; and
 - staff only areas and areas that are closed off or not being used.
- C. Inconsistency with other directions**
65. If there is any inconsistency between this Direction and any of the directions specified below, this Direction is to prevail to the extent of any inconsistency:
- the *Public Health (Restricted Activities – Gatherings, Business or Undertakings) Emergency Direction 2021 (No 4)* [NI2021-405]; and
 - the *Public Health (Residential Aged Care Facilities) Emergency Direction 2021 (No 4)* [NI2021-344].
66. 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:
- the *Public Health (Diagnosed People and Close Contacts) Emergency Direction 2021 (No 1)* [NI2021-421]; and
 - the *Public Health (Returned Travellers) Emergency Direction 2021* [NI2021-339].



Dr Kerry Coleman

Chief Health Officer

27 August 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).

Attachment 1 – Essential business, activity or undertaking

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

	Column 1 Essential business, activity, or undertaking	Column 2 Any additional conditions (other than those outlined in the Direction)
1.	Correctional centres, detention places or other places of custody	
2.	Early childhood education and care and out of school hours care	
3.	Primary schools, secondary schools and colleges	<ul style="list-style-type: none"> • Remote learning only, except where instruction or learning activities cannot reasonably be obtained remotely. • For essential activities that must be undertaken under supervision (eg Year 12 critical examinations). <p><i>Example:</i> vulnerable children and children of a person who is performing essential work may attend.</p>
4.	Higher education and training	<ul style="list-style-type: none"> • Remote learning only, except where instruction or learning activities cannot be adequately conducted remotely.
5.	Places of worship	<ul style="list-style-type: none"> • No in person gatherings permitted. • Live streaming or broadcast of a service may be conducted with the person conducting the service, a camera operator, and an Auslan interpreter.
6.	Weddings	<ul style="list-style-type: none"> • Maximum of 5 attendees, including the couple, the celebrant and 2 witnesses. • Any formal legal requirements that are required to be completed prior to the wedding ceremony are permitted to take place. <p><i>Example:</i> If documentation is required by law to be witnessed in person prior to a wedding ceremony taking place, then witnessing the document in person is authorised under this Direction.</p>

7.	Funerals	<ul style="list-style-type: none"> Maximum of 10 attendees, excluding person or people necessary for conducting ceremony.
8.	Funeral homes	
9.	Mortuary services	
10.	<p>Any of the following:</p> <ol style="list-style-type: none"> businesses whose predominant purpose is a supermarket, grocery store, bakery, butcher, fruit and vegetable store or fishmonger; an indoor or outdoor market, but only to the extent that its predominant purpose is to sell or supply groceries or fresh food; or a bottleshop; or a bank or financial institution; or a post office; or a news agent; or a pharmacy; or a petrol station (including a petrol station that sells groceries); or vehicle and mechanical repair services; or laundry and dry cleaners; or a locksmith; or shops that undertake repairs of electronic devices, including mobile phones and computers; or shopping precincts, but only for essential retail purposes as outlined in this Direction. 	<ul style="list-style-type: none"> Businesses should aim to provide a click and collect service wherever practicable to do so. Businesses must take all reasonable steps to ensure that persons entering their premises are entering for essential purposes. Businesses must take all reasonable steps to ensure that persons entering their premises minimise the time the person spends at the premises. Businesses that undertake repairs of electronic devices must only operate for repair or replacement functions and normal retail operations are not permitted. Repairs should be arranged by appointment wherever possible.

11.	<p>Any of the following:</p> <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"> • Trades customers are permitted to enter businesses which sell hardware and building supplies. • For all other customers, businesses must only operate through a click and collect service. • Businesses must only permit the minimum number of employees necessary to be present on site to fulfil these services. • No later than one week after the commencement of this Direction, a COVID-19 Safety Plan must be implemented by the business, including controls to minimise or remove any physical interaction between the business operator and any delivery or collection person.
12.	Veterinary clinic	
13.	Provision of consular and diplomatic services	<ul style="list-style-type: none"> • Only essential and time critical services to be offered.
14.	Provision of court or tribunal services	<ul style="list-style-type: none"> • Must take reasonable steps to provide services remotely
15.	Essential health care	<ul style="list-style-type: none"> • Must take reasonable steps to provide services via telehealth or other virtual care option where possible and clinically appropriate to do so.
16.	Provision of urgent services necessary for the health and safety of any person, animal or premises, including child protection activities	
17.	Retail food services , whether licensed or unlicensed	<ul style="list-style-type: none"> • May only provide takeaway meals or drinks, or a meal delivery service. • Must take reasonable steps to ensure people leave the premises as soon as possible after collecting takeaway meals or drinks, or meal delivery services.

18.	Licensed venues, but not including a strip club, brothel or escort agency	<ul style="list-style-type: none"> • May only provide takeaway. • Nightclubs may only trade as an off licence venue. • Must take reasonable steps to ensure people are leaving the premises as soon as possible after collecting takeaway meals or drinks, or meal delivery services.
19.	Hotel, motel or other accommodation facility to the extent that they provide accommodation services	<ul style="list-style-type: none"> • Not permitted to take new bookings, unless the booking is for: <ol style="list-style-type: none"> a. a person avoiding or escaping an emergency; or b. a person who is performing essential work; or c. a person who requires any other form of emergency accommodation.
20.	Residential aged care facility	<ul style="list-style-type: none"> • No visitors permitted, except were approved by the residential aged care facility for compassionate reasons, end-of-life reasons, or for the purposes of performing essential work on or at the premises. • Workers undertaking work that is not essential work are not permitted to enter or remain at the premises.
21.	Hospitals	<ul style="list-style-type: none"> • May continue to provide essential health care services. • No visitors are permitted into the health care setting, except where approved by the hospital for the following reasons: <ul style="list-style-type: none"> • volunteer or paid carers to support the delivery of a health service to another person, • for end of life reasons, • as a support partner for birth, • a parent to accompany a child, • other compassionate reasons, • for the purposes of performing essential work on or at the premises.

<p>22.</p>	<p>Emergency services, including:</p> <ul style="list-style-type: none"> a. the State Emergency Service; b. fire fighting services; c. paramedical services; d. ambulance services; e. air ambulance and medical retrieval services (including Snowy Hydro SouthCare); f. police services or Protective Services Officer stationed on border duties or otherwise engaged in policing duties; g. military and defence services deployed for activities in the Australian Capital Territory; and h. state security or national security 	
<p>23.</p>	<p>Essential infrastructure and essential services without which the safety, health or welfare of the community or a section of the community would be endangered or seriously prejudiced (whether provided by a public or private undertaking), including:</p> <ul style="list-style-type: none"> a. road repair works undertaken by the Australian Capital Territory or a contractor engaged to undertake the works on behalf of the Australian Capital Territory 	<ul style="list-style-type: none"> • Suppliers of equipment and materials required to facilitate road repair works may provide those services.
<p>24.</p>	<p>Organisations that provide urgent services necessary for the health and safety of any person, animal or premises.</p> <p><i>Example: social services and foodbanks</i></p>	

25.	Urgent repair and maintenance services <i>Example: plumbing, electrical and heating repair</i>	
26.	Any activities related to the COVID-19 response (including in hotel quarantine)	
27.	Roadside assistance services	
28.	Government services of the Australian Capital Territory (whether provided by government or outsourced) determined to be essential by the relevant head of the government agency	<ul style="list-style-type: none"> • Only workers who are determined essential by the relevant head of the government agency and cannot reasonably undertake their work remotely. • Access Canberra Shop Fronts and Service Centres will operate remotely; but may provide limited services in person: <ul style="list-style-type: none"> • where the services are time-critical and essential; and • where the services cannot reasonably be undertaken remotely.
29.	Any Commonwealth agency that is based in the Australian Capital Territory (whether provided by government or outsourced) determined to be essential by the relevant head of the government agency	<ul style="list-style-type: none"> • Only workers who are determined essential by the relevant head of the government agency and cannot reasonably undertake their work remotely.
30.	Commonwealth Parliament and the Legislative Assembly	
31.	Waste management and resource recovery services	<ul style="list-style-type: none"> • Includes: <ul style="list-style-type: none"> • domestic and commercial waste and resource recovery services (including collection, treatment and disposal services and transfer stations); and • commercial operators that provide waste management services (including trash pack operation), where services can be operated in a contactless manner.

32.	Services related to the administration of justice	<ul style="list-style-type: none"> • Must take reasonable steps to provide services remotely; but • May operate in person: <ul style="list-style-type: none"> • where the services are time-critical and essential; and • where the services cannot be reasonably undertaken remotely. <p><i>Example:</i> Legal services pertaining to a person's safety, detention or custody or child protection such as bail proceedings or emergency care proceedings.</p>
33.	Factory or facility	<ul style="list-style-type: none"> • May only operate to the extent that is necessary to prevent damage or loss to plant, but only those operations that are necessary to prevent that damage or loss.
34.	Work at an office building that is necessary for the normal operation of an essential business, activity or undertaking	<ul style="list-style-type: none"> • Other than permitted by this direction, a person is not allowed to work outside their residence unless providing an urgent and essential service which cannot be undertaken in their residence. • Routine, non-urgent legal services do not meet the definition of an essential service. <p><i>Example:</i> Administrative services provided by an employer to enable its employees to work from home.</p>
35.	Public passenger services	
36.	Air transport (including the operation of airports)	
37.	Freight services (including postal and courier services), including transport, freight or logistics driver	
38.	National Heavy Vehicle Regulator compliance activities	
39.	Blood bank or other similar donation facility	



<p>40.</p>	<p>Care services for people with particular needs because of homelessness, age, infirmity, disability, illness or a chronic health condition</p> <p>Disability support services</p> <p>Crisis support services to individuals, children or families, including:</p> <ul style="list-style-type: none">• victims of crime services;• domestic violence services;• mental health services.	
<p>41.</p>	<p>Truck stops and roadhouses, but not the provision of seated dining or shower facilities to persons who are not transport, freight or logistics drivers.</p>	
<p>42.</p>	<p>Production and distribution of:</p> <ol style="list-style-type: none">food and groceries for sale by a supermarket, butcher, fruit and vegetable store, market or fishmonger (including for sale by operators of such premises at an indoor or outdoor market); orliquor for sale at a bottleshop; ormedical and pharmaceutical products	
<p>43.</p>	<p>Commercial operations that supply goods or services necessary:</p> <ol style="list-style-type: none">for the implementation of measures to limit the spread of COVID-19; orto support any business activity that may be carried out in accordance with these directions; orto support the export of goods and services from the Australian Capital Territory.	<p><i>Example: manufacturing of personal protective equipment or hand sanitiser, or dry cleaning services.</i></p>

44.	Primary industries only to the extent necessary to ensure adequate supply of food to, and care of, animals and maintenance of crops.	
45.	Manufacturing, fabrication or assembly of goods and materials necessary for or related to supporting defence or security industries.	
46.	<p>A person who is:</p> <ol style="list-style-type: none"> a. a member of the Legislative Assembly or the Commonwealth Parliament, or a person on the staff of such a member of parliament; b. critical to, and involved in, the COVID-19 response (including in hotel quarantine); c. a fly in fly out worker or a drive in drive out worker who is required for industry or business continuity and maintenance of a competitive operation where the service is time-critical, who is responsible for critical maintenance or repair of infrastructure critical to a region of, or to, the Australian Capital Territory. 	
47.	Removalists for essential removals which cannot be reasonably delayed	
48.	Transport, freight or logistics driver	
49.	Professional sport	<ul style="list-style-type: none"> • No spectators permitted. • Only professional athletes and individuals required to attend a venue to ensure the safe running of a professional sporting event.
50.	Community centre, community facility or youth centre	<ul style="list-style-type: none"> • May only host an essential business, activity or undertaking otherwise referred to in Attachment 1.
51.	Forestry industry and timber fabricators	



52.	Real estate services	<ul style="list-style-type: none">• May only operate:<ul style="list-style-type: none">• to the extent already permitted under other provisions within this Direction; or• to permit one person at any one time to conduct any property inspections required by law for the sale of a property to proceed; or• to allow one person at any one time to photograph or film a property, where there are no other persons present.
53.	Commercial and domestic cleaning services	<ul style="list-style-type: none">• May only operate:<ul style="list-style-type: none">• To provide cleaning services to an essential business, activity or undertaking, or a non-essential business, activity or undertaking.• To provide cleaning services to shared spaces of multi-residential dwellings;• To provide cleaning services at a residential premises where the premises is vacant , and the service is urgent or time critical.• To provide cleaning services at a residential premise to a vulnerable person. <p><i>Example: an end-of-tenancy or pre-settlement clean</i></p>
54.	Trade unions	<ul style="list-style-type: none">• Trade union representative only when providing representation to a person performing essential work.

Attachment 2 – Non-essential business, activity or undertaking

Note: A business, activity or undertaking that is not listed in Column 1 must not operate other than in accordance with Part 4 paragraph 17(b)(i).

	Column 1 Non-essential business, activity, or undertaking	Column 2 Conditions of operation (other than those outlined in the Direction)
1.	Art Studios	<ul style="list-style-type: none"> The owner, operator or controller of an art studio may attend the premises to undertake personal art-related work including filming, live streaming or broadcasting. Where there are multiple art studios located at one premises, no more than two people are permitted to work at the premises at any one time.
2.	Gyms, health clubs, fitness centres, wellness centres and dance studios	<ul style="list-style-type: none"> May permit no more than two people at any one time who work at the non-essential business, activity or undertaking to attend the premises for the purposes of filming, live streaming, or broadcasting to patrons. <p><i>Example</i> – a person who owns, controls or operates a gym or dance studio may permit two employees to attend the premises to film a class which is live streamed or otherwise distributed to members.</p>
3.	Small Retail Business	<ul style="list-style-type: none"> Must only operate a click and collect service. No more than two people who work at the small business may be present at the premises at any one time.

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