

Australian Capital Territory

Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020

Notifiable Instrument NI2020–169

made under the

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

1. Name of instrument

This instrument is the *Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020*.

2. Commencement

This instrument commences and is taken to commence at 11.59pm on 23 March 2020.

3. Public Health Emergency Direction

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

4. Duration

This direction is in force until 11.59pm on 13 April 2020, unless it is earlier revoked.

Dr Kerryn Coleman
Chief Health Officer

23 March 2020

Public Health Emergency Direction

Public Health Act 1997

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

I, Dr Kerryn Coleman, Chief Health Officer, consider it 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.

PART 1 — CLOSURE OF NON-ESSENTIAL BUSINESS OR UNDERTAKING

The purpose of this direction is to prohibit the operation of non-essential business and undertakings in order to limit the spread of Novel Coronavirus 2019 (2019-nCoV).

Directions

1. From 11.59pm on 23 March 2020 until 11.59pm on 13 April 2020 a **person** who owns, controls or operates a **non-essential business or undertaking** in the Australian Capital Territory must not operate that business or undertaking.

Definition of non-essential business or undertaking

For the purposes of these directions:

2. **A non-essential business or undertaking** means any of the following, whether operated on a for-profit or non-for-profit basis:
 - a. a business that supplies liquor for consumption ON the premises but not including any part of the business that sell liquor for consumption OFF the premises as defined by the *Liquor Act 2010*;
 - b. a hotel, whether licensed or unlicensed but not:
 - i. to the extent that it provides accommodation, takeaway meals or a meal delivery service; or
 - ii. any part of the hotel constituted by a bottleshop;
 - c. a gym
 - d. an indoor sporting centre;
 - e. a **casino**;
 - f. a cinema, nightclub or entertainment venue of any kind;

- g. a restaurant or café, other than to the extent that it provides takeaway meals or a meal delivery service;
 - h. a place of worship, other than for the purposes of a wedding or funeral.
3. The Minister may grant an exemption to this direction in writing and subject to the conditions that the Minister considers appropriate.

Other definitions

4. **Casino** has the same meaning as in the *Casino Control Act 2006*.
5. **Place of worship** means 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.

Note: All businesses or undertakings that continue to operate must comply with the **Public Health (Indoor gatherings) Emergency Direction 2020** [NI2020 -162]. Those directions limit indoor gatherings of one hundred (100) or more persons in a single undivided indoor space at the same time.

PENALTIES

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

A person must not, without reasonable excuse, fail to comply with a direction under this section.

Maximum Penalty:

In the case of a natural person, \$8,000 (50 penalty units).

In the case of a body corporate, \$40,500 (50 penalty units).

In the case of a utility that is a body corporate, \$1,620,000 (2000 penalty units).

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Dr Kerry Coleman

Chief Health Officer

March 2020

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