



Public Health (Jervis Bay Territory) Emergency Direction (No. 2) 2022

I, Rachel Bacon, Deputy Secretary, Regional, Cities and Territories, Department of Infrastructure, Transport, Regional Development and Communications, exercising powers vested in me under the direction, dated 16 April 2020, made by the Governor-General under subsection 4B(2) of the *Jervis Bay Territory Acceptance Act 1915* (Cth), make the following Direction.

Dated 14 June 2022 at 9 : 00 am/pm

Rachel Bacon
Deputy Secretary
Regional, Cities and Territories
Department of Infrastructure, Transport, Regional Development and Communications

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Part 1—Preliminary

1 Name

This Direction is the *Public Health (Jervis Bay Territory) Emergency Direction (No. 2) 2022*.

2 Commencement

This Direction takes effect immediately after it is made.

3 Authority

- (1) This Direction is made under section 120 of the *Public Health Act 1997* (ACT), as in force in the Jervis Bay Territory under section 4A of the *Jervis Bay Territory Acceptance Act 1915* (Cth).
- (2) This Direction is considered necessary or desirable to alleviate the emergency declared under the *Public Health (Jervis Bay Territory) Emergency Declaration 2020*.

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

- (1) This Direction revokes the Earlier Direction.
- (2) For the avoidance of doubt, any act, matter or thing that, immediately before the revocation of the Earlier Direction, had effect under that Direction continues to have effect.
- (3) If, immediately before the commencement of this Direction, a person was required to keep a record under the Earlier Direction, that requirement continues as if the Earlier Direction remained in force.
- (4) If, immediately before the commencement of this Direction, an exemption granted by an emergency services officer under the Earlier Direction was in force, that exemption continues as if it were granted under this Direction.
- (5) In this section:

Earlier Direction means the *Public Health (Jervis Bay Territory) Emergency Direction (No 1) 2022*.

6 Booderee National Park

For the avoidance of doubt, nothing in this Direction authorises the entry of a person into the Booderee National Park (the **Park**), including an area of the Park, or the engagement of an activity in the Park, including in an area of the Park, that is otherwise in contravention of a prohibition or restriction imposed by the Director of National Parks under subregulations 12.23(3) and 12.23A(3) of the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth).

7 Definitions

Note: A number of expressions used in this Direction are defined in the Act and the *Legislation Act 2001* (ACT) as in force in the Territory under section 4A of the *Jervis Bay Territory Acceptance Act 1915* (Cth).

In this Direction (including the Schedules to this Direction):

Act means the *Public Health Act 1997* (ACT), as in force in the Jervis Bay Territory under section 4A of the *Jervis Bay Territory Acceptance Act 1915* (Cth).

ACT liquor legislation means the *Liquor Act 2010* (ACT), and any regulations made under or for the purposes of this Act, as in force in the Territory under section 4A of the *Jervis Bay Territory Acceptance Act 1915* (Cth).

aged care consumer has the same meaning as in the *Aged Care Quality and Safety Commission Act 2018* (Cth).

approved COVID-19 vaccine means a vaccine approved by the Therapeutic Goods Administration of the Commonwealth for use in Australia as a vaccine against COVID-19.

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games; or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

Australian Defence Force has the same meaning as in the *Defence Act 1903* (Cth).

authorised person means an authorised person under section 121 of the Act.

business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis; or
- (b) a service is provided directly to members of the public on a regular basis; and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an

entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

cellar door premises means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

cinema means a cinema that is open to members of the public.

close contact means a person identified as:

- (a) likely to have come into contact with a person with COVID-19; and
- (b) being at risk of developing COVID-19.

contact details, for a person visiting or entering premises, means:

- (a) the person's name; and
- (b) the person's telephone number or email address; and
- (c) the time at which the person entered the premises.

construction site means a place at which work, including related excavation, is being carried out to erect, demolish, extend or alter a building or structure, or at which civil works are being carried out, but not work carried out in relation to a dwelling in which a person is residing.

controlled outdoor public gathering means an outdoor public gathering in an area:

- (a) that is enclosed or bounded by fencing or another form of barrier; and
- (b) access to which is controlled by way of a ticket; and
- (c) in relation to which all persons, other than persons engaged in work, are assigned to specific seats or to a seating area.

COVID-19 vaccine means:

- (a) an approved COVID-19 vaccine, or
- (b) a vaccine, other than an approved COVID-19 vaccine, recognised by the Therapeutic Goods Administration of the Commonwealth as an appropriate vaccine against COVID-19 for incoming travellers to Australia.

declared emergency means the emergency declared under the *Public Health (Jervis Bay Territory) Emergency Declaration 2020* (as extended or further extended).

Department means the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications.

designated health practitioner means any of the following:

- (a) a medical practitioner;
- (b) a registered nurse;
- (c) a nurse practitioner;
- (d) a paramedic.

diagnosed person means a person who:

- (a) has been notified by or on behalf of NSW Health or by a pathology laboratory that they have tested positive for COVID-19; or
- (b) has become aware they have tested positive for COVID-19 as a result of a rapid antigen test.

Director of National Parks has the same meaning as in the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

disability has the same meaning as in the *Disability Inclusion Act 2014* (NSW).

early education and care facility means a building or place used for the education and care of children, and includes a centre-based child care facility, home-based child care and school-based child care.

emergency services officer has the same meaning as in the *Jervis Bay Territory Emergency Management Ordinance 2015* (Cth).

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

essential support services means support without which a person would experience a deterioration in health or wellbeing, including assistance with or provision of the following:

- (a) personal care;
- (b) meal preparation;
- (c) exercise or physiotherapy;
- (d) other critical support.

event includes a function.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or café;
- (b) take away food and drink premises;
- (c) a pub;
- (d) a small bar.

fully vaccinated person means a person who:

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- (a) has had 2 doses of a COVID-19 vaccine, or
 - (b) has had 1 dose of a COVID-19 vaccine for which a single dose is a complete course, or
 - (c) has a medical contraindication certificate issued to the person, or
 - (d) has a certificate issued by a medical practitioner:
 - (i) in a form approved by the NSW Chief Health Officer, and
 - (ii) certifying that because of a specified medical contraindication, the person to whom the certificate has been issued cannot have any approved COVID-19 vaccine available in New South Wales, or
 - (e) has a medical contraindication recorded on the Australian Immunisation Register kept under the *Australian Immunisation Register Act 2015* of the Commonwealth that prevents the person from receiving any approved COVID-19 vaccine.

gymnasium means a gymnasium that is a recreation facility (indoor) and that is open to members of the public, but does not include a dance, yoga, pilates, gymnastics or martial arts studio.

health profession means the following professions, and includes a recognised specialty in any of the following professions:

- (a) Aboriginal and Torres Strait Islander health practice;
- (b) Chinese medicine;
- (c) chiropractic;
- (d) dental (including the profession of a dentist, dental therapist, dental hygienist, dental prosthetist and oral health therapist);
- (e) medical;
- (f) medical radiation practice;
- (g) midwifery;
- (h) nursing;
- (i) occupational therapy;
- (j) optometry;
- (k) osteopathy;
- (l) paramedicine;
- (m) pharmacy;
- (n) physiotherapy;
- (o) podiatry;
- (p) psychology.

health worker means:

- (a) a person employed in the NSW Health Service within the meaning of the *Health Services Act 1997* (NSW), or
- (b) a person engaged by the Health Administration Corporation, within the meaning of the *Health Administration Act 1982* (NSW), to enable the Corporation to exercise its functions, or

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- (c) a person engaged by a public health organisation, within the meaning of the *Health Services Act 1997* (NSW), to enable the organisation to exercise its functions, or
 - (d) a member of staff of a licensed private health facility within the meaning of the *Private Health Facilities Act 2007* (NSW), or
 - (e) a registered health practitioner, or
 - (f) a person who works in a pharmacy or on other premises at which a health practitioner routinely practises the practitioner's profession, or
 - (g) a member of staff of St John Ambulance Australia (NSW), or
 - (h) a member of staff of the Royal Flying Doctor Service of Australia (NSW Section), or
 - (i) a person engaged or employed by the South Coast Medical Service Aboriginal Corporation.

hospitality venue means the following:

- (a) a casino;
- (b) food and drink premises;
- (c) micro-breweries, small distilleries holding a drink on-premises authorisation under the ACT liquor legislation and cellar door premises;
- (d) pubs;
- (e) registered clubs;
- (f) small bars.

household means persons living together in the same place of residence.

household contact, of a diagnosed person, means a person who, under paragraph 16(1)(b), is notified by a diagnosed person with whom the person resides that the diagnosed person has tested positive for COVID-19.

indoor area includes an area in a building or other structure, whether or not temporary, which has a roof, ceiling or other top covering, but does not include an area with at least 2 sides open to the weather.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

medically cleared, in relation to a diagnosed person, means:

- (a) the diagnosed person has self-isolated for 7 days from the day they undertook the test that resulted in them becoming a diagnosed person; or
- (b) the person has been notified, by or on behalf of NSW Health or by a medical practitioner, that they may stop self-isolating earlier than the day mentioned in paragraph (a).

National Law has the same meaning as in the *My Health Records Act 2012* (Cth).

natural swimming pool means a swimming pool that only contains untreated water that is supplied directly to the pool from the ocean or other natural water source and that does not have a circulation system.

nightclub has the same meaning as in the ACT liquor legislation.

NSW Chief Health Officer means the Chief Health Officer as defined under the *Public Health Act 2010* (NSW).

NSW Health Household and Close Contact Guidelines means the NSW Health Household and Close Contact Guidelines:

- (a) issued by the Chief Health Officer from time to time, and
- (b) published on the website of NSW Health.

Note: www.health.nsw.gov.au

NSW Health self-isolation guideline means the NSW Health COVID-19 self-isolation guideline issued by the NSW Chief Health Officer from time to time and published on the website of NSW Health.

Note: www.health.nsw.gov.au

occupier of premises or a part of premises (including premises that are vacant) means:

- (a) the owner of the premises or part; or
- (b) if any other person is entitled to occupy the premises or part to the exclusion of the owner, the person so entitled, and includes the operator of a vehicle or vessel.

outdoor area means an area that is not an indoor area.

parent, in relation to a child, includes a person who has parental responsibility for, or care of, the child.

party bus means a vehicle being used on a commercial basis for the purposes of a party, whether or not the party takes place during transportation between locations.

place of public 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.

place of residence includes the premises where a person lives and a garden, yard, passage, stairs, garage, outhouse or other area or thing attached to, or used in connection with, the premises.

pub means licensed premises under the ACT liquor legislation the principal purpose of which is the retail sale of liquor for consumption on the premises,

whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

public gathering means a meeting or assembly of persons for a common purpose, including an organised or planned event, in a public place (whether ticketed or not).

public official means:

- (a) an authorised person; or
- (b) an emergency services officer; or
- (c) a health worker; or
- (d) a police officer; or
- (e) another person exercising public functions under a law in force in the Territory; or
- (f) an Immigration and Border Protection worker within the meaning of the *Australian Border Force Act 2015* (Cth); or
- (g) a person employed or otherwise engaged by the Department or the Commonwealth Department of Health.

public place means:

- (a) a place (whether or not covered by water); or
- (b) a part of premises;

that is open to the public, or is used by the public whether or not on payment of money or other consideration, whether or not the place or part is ordinarily so open or used and whether or not the public to whom it is open consists only of a limited class of persons, but does not include a school.

public transport waiting area means the following:

- (a) a station, including the platform, of a passenger railway or light rail;
- (b) a ferry wharf;
- (c) a bus stop or light rail stop, including any area where persons queue or gather when waiting at the stop;
- (d) a taxi rank, including any area where persons queue or gather when waiting at a taxi rank.

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

registered club means a club that holds a club licence under the ACT liquor legislation.

registered health practitioner means a person registered under a National Law to practise a health profession (other than as a student).

registered NDIS provider means a registered NDIS provider within the meaning of the *National Disability Insurance Scheme Act 2013* (Cth).

sex services premises means a brothel, but does not include home occupation (sex services).

Shoalhaven LGA means the New South Wales local government area of the City of Shoalhaven.

small bar means a licensed premises under the ACT liquor legislation the principal purpose of which is the retail sale of liquor for consumption on the premises and which is licensed for no more than 120 patrons on the premises.

small funeral or memorial service means a funeral or memorial service, including a gathering following a funeral or memorial service, at which there are no more than 10 persons, excluding the person conducting the service and any other person necessary for the conduct and preparation of the service.

supports has the same meaning as in the *Disability Inclusion Act 2014* (NSW).

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Testing Positive to COVID-19 Factsheet means the document titled *Testing positive to COVID-19 and managing COVID-19 safely at home* as in force from time to time and published on the website of NSW Health.

Territory has the same meaning as in the *Jervis Bay Territory Acceptance Act 1915* (Cth).

truck driver means the driver of a vehicle being used to transport goods in connection with the driver's work.

truck stop means a place at which driver rooms, driver lounges or similar facilities are located for the use of truck drivers, and includes roadhouses, roadside rest areas and service stations used by truck drivers in connection with their work.

work includes work done as a volunteer or for a charitable organisation.

Part 2—Fitted face coverings

8 Fitted face coverings

- (1) A person who is over 12 years of age must wear a fitted face covering while the person is:
 - (a) in an indoor area of an airport; or
 - (b) at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service; or
 - (c) not a fully vaccinated person working in an indoor area of a hospitality venue and dealing directly with members of the public; or
 - (d) when the Territory is under stay-at-home orders in accordance with section 24 of this Direction:
 - (i) in any indoor area of non-residential premises; or
 - (ii) at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service; or
 - (iii) in a recreation facility (major); or
 - (v) working at a hospitality venue and dealing directly with members of the public; or
 - (vi) in an indoor area on common property for residential premises; or
 - (vii) in any indoor or outdoor area of a market that predominantly sells food; or
 - (viii) outdoors next to or near food and drink premises or retail premises; or
 - (ix) working in an outdoor area; or
 - (x) in an outdoor area, unless the outdoor area forms part of residential premises.
- (2) A fitted face covering must be worn so that it covers the person's nose and mouth.

9 Exception for certain persons having illness, condition or disability

- (1) A person is not required to wear a fitted face covering if the person:
 - (a) has a physical or mental health illness or condition, or disability, that makes wearing a fitted face covering unsuitable; and
 - (b) carries evidence showing:
 - (i) that the person has the illness, condition or disability; and
 - (ii) the illness, condition or disability makes wearing a fitted face covering unsuitable; and
 - (iii) the person's name and place of residence; and
 - (c) produces the evidence for inspection if requested to do so by an emergency services officer.
- (2) Evidence for the purposes of subparagraphs (1)(b)(i) and (ii) must be in the form of:

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- (a) a medical certificate or other written evidence signed by a registered health practitioner or a registered NDIS provider; or
 - (b) a statutory declaration by the person.
 - (3) A person may remove a fitted face covering the person is otherwise required to wear if the person is:
 - (a) eating or drinking; or
 - (b) engaging in physical exercise; or
 - (c) communicating with a person who is deaf or hard of hearing; or
 - (d) engaging in work if:
 - (i) wearing the covering is a risk to the person's, or another person's, health and safety; or
 - (ii) enunciation or visibility of the person's mouth is essential; or
 - (iii) the work is in an indoor area and no other person is in the area; or
 - (e) requested to remove the covering as part of an identity check; or
 - (f) required to remove the covering:
 - (i) because of an emergency; or
 - (ii) for the proper provision of goods or a service.
 - (4) A person who removes the person's fitted face covering under subsection (3) must resume wearing it as soon as practicable after the circumstance ends.

Part 3—Recording contact details

10 Registration of contact details for entry to certain premises

- (1) This section applies to a person who enters the following premises:
 - (a) night clubs;
 - (b) strip clubs;
 - (c) sex on premises venues, being restricted premises where sex between patrons is permitted on the premises;
 - (d) sex services premises.
- (2) The person must ensure the person's contact details are registered electronically when the person enters the premises:
 - (a) by using the person's phone to register the details with Service NSW; or
 - (b) by having another person use a phone to register the details with Service NSW on the person's behalf if the person is not able to use the person's phone to register the details with Service NSW; or
 - (c) by providing the details to the occupier of the premises if:
 - (i) it is not possible to register the person's details under paragraph (a) or (b); or
 - (ii) it would be unsafe to use a phone on the premises because of the nature of the premises.

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- (3) The occupier of the premises must take reasonable steps to ensure a person complies with this section when entering the premises.
 - (4) Despite subsections (1), (2) and (3), the following persons are not required to electronically register contact details when entering premises:
 - (a) a person entering the premises in response to an emergency;
 - (b) a person exercising law enforcement, intelligence or national security functions on behalf of a government agency or the Commonwealth.

11 Record keeping concerning contact details

- (1) This section applies to the occupier of premises (the *record keeper*), if a person's contact details are provided to the occupier under paragraph 10(2)(c) rather than Service NSW.
- (2) The record keeper must:
 - (a) keep, for at least 4 weeks, a record of the contact details in a way that ensures the record is readily accessible and in an appropriate form to provide to an emergency services officer under paragraph (b); and
 - (b) on request, provide the record, in electronic form, to an emergency services officer as soon as practicable, but no later than 4 hours, after the request is made; and
 - (c) ensure that a person is:
 - (i) responsible for requiring contact details to be provided in accordance with this section; and
 - (ii) authorised to provide records to an emergency services officer under paragraph (b).

Part 4—Other directions

12 Direction about residential aged care facilities

- (1) The operator of a residential aged care facility must consider the advice of the NSW Chief Health Officer in relation to all of the following matters:
 - (a) the management of visitors to the premises of the facility;
 - (b) the screening of staff and visitors before entering the premises of the facility;
 - (c) the conduct of group recreational or other activities for residents of the facility;
 - (d) the wearing of face masks by staff and visitors;
 - (e) vaccinations against influenza or COVID-19 for staff, visitors and residents.

- (2) In this section:

operator of a residential aged care facility means the person who owns, controls or operates the facility.

residential aged care facility means a facility at which any of the following services are provided to a person in relation to whom a residential care subsidy or flexible care subsidy is payable under the *Aged Care Act 1997* (Cth):

- (a) accommodation;
- (b) personal care or nursing care.

13 Direction—spitting or coughing on public official or other worker

- (1) A person must not intentionally spit at or cough on any of the following persons in a way that would reasonably be likely to cause fear about the spread of COVID-19:
 - (a) a public official;
 - (b) another worker while the worker is:
 - (i) at the worker's place of work; or
 - (ii) travelling to or from that place of work.
- (2) If the worker's place of work is the worker's residential premises, the place of work does not, for the purposes of this section, include any part of the premises used solely for residential purposes.
- (3) Without limiting paragraph (1)(b), a worker includes the following:
 - (a) a retail worker;
 - (b) a person who works at an airport;
 - (c) a person who works for an electricity, gas, water or other utility company;
 - (d) a person who works in the transport industry or a transport-related industry;
 - (e) a member of the Australian Defence Force.

Note: Examples of public officials and workers include hospital staff, bus drivers, train drivers, ferry deckhands, taxi drivers, ride share drivers, food delivery workers, security guards, electricity, gas and water meter readers and postal delivery staff (including persons working for an entity under a contract, directly or indirectly, on behalf of a government).

Part 5—COVID-19 self-isolation

14 Definitions

In this Part:

authorised contact tracer means:

- (a) an emergency services officer;
- (b) a person engaged by a State or the Australian Capital Territory whose duties include:
 - (i) identifying persons who may have come into contact with a person with COVID-19; or
 - (ii) notifying a person that the person has been identified as a close contact.

education institution means a school, college, university or other institution at which education or training is provided.

15 Direction—persons diagnosed with COVID-19 must self-isolate

- (1) A diagnosed person must, immediately after receiving the diagnosis of COVID-19, travel directly to:
 - (a) the person's place of residence or a place suitable for the person to reside in; or
 - (b) a residence or place that has been determined by a designated health practitioner to be suitable for the person to reside in; or
 - (c) if determined as necessary by a designated health practitioner—a hospital for assessment of the person by a medical practitioner; or
 - (d) if the person is from a State or the Australian Capital Territory and a designated health practitioner considers it appropriate for the person to return to that State or Territory—a residence, hospital or other place in that State or Territory that has been determined by the designated health practitioner to be suitable for the person.
- (2) A diagnosed person to whom paragraph (1)(c) applies must, immediately after leaving or being discharged from the hospital, travel directly to a residence or place that has been determined by a designated health practitioner to be suitable for the person to reside in.
- (3) A diagnosed person to whom paragraph (1)(a) or (1)(b) or subsection (2) applies must:
 - (a) reside at the residence or place until medically cleared; and
 - (b) provide the address of the residence or place and a contact telephone number to the designated health practitioner.
- (4) While residing at the residence or place determined under this section, the diagnosed person must do the following:
 - (a) not leave the residence or place except:
 - (i) for the purposes of obtaining medical care or medical supplies; or
 - (ii) in any other emergency situation; and
 - (b) not permit any other person to enter the residence or place unless:
 - (i) that other person usually lives at the residence or place or the other person is also complying with a requirement under this Direction; or
 - (ii) the entry is for medical or emergency purposes; or
 - (iii) if the diagnosed person is residing at a place other than a residence—for the purposes of delivering food or essential items; and
 - (c) otherwise comply with the Testing Positive to COVID-19 Factsheet.
- (5) A diagnosed person must, if directed to do so by an authorised contact tracer, immediately provide the following information to the authorised contact tracer:
 - (a) details of the diagnosed person's contact with other persons within the previous 28 days, including their name and contact details (if known);

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- (b) details of the places the diagnosed person has been within the previous 28 days.

16 Direction—Persons diagnosed with COVID-19 must notify employers, close contacts and education providers

- (1) A diagnosed person must, immediately after receiving the diagnosis of COVID-19, take reasonable steps to notify the following persons of the diagnosis, but only if it is reasonably practicable to do so:
 - (a) the diagnosed person's employer or a person who engages the diagnosed person as a contractor for services;
 - (b) any person who resides with the diagnosed person;
 - (c) any person who has been in contact with the diagnosed person in a way that might result in the person being at risk of developing COVID-19 as identified in the Testing Positive to COVID-19 Factsheet;
 - (d) if the diagnosed person is a student—the head of the diagnosed person's educational institution or a staff member identified by the institution for receiving notifications of COVID-19 cases.
- (2) A notification under this section must comply with the Testing Positive to COVID-19 Factsheet.
- (3) A notification under paragraph (1)(e) must be made:
 - (a) by using the online form available for that purpose on the Service NSW website; or
 - (b) in such other way as is approved by the Chief Executive Officer of Service NSW.

17 Exception if complying with NSW Health Household and Close Contact Guidelines

- (1) This section applies to a person if:
 - (a) the person is a household contact of a diagnosed person; or
 - (b) the person is notified by an authorised contact tracer that the person is a close contact of a diagnosed person.
- (2) The household contact or close contact is not required to comply with sections 19 or 20 if the person complies with the NSW Health Household and Close Contact Guidelines:
 - (a) for a household contact — for a period of 7 days from the time that any person who resides with the household contact last tested positive for COVID-19; or
 - (b) for a close contact:
 - (i) a period of 7 days from the time the close contact is notified by an authorised contact tracer that they are a close contact; or
 - (ii) another period directed by an authorised contact tracer.

18 Exceptions in certain other circumstances

- (1) Section 20 does not apply to a person who is a close contact or household contact if:
 - (a) the person has already been diagnosed with COVID-19 and has completed the requirement to reside at the person's residence, or a hospital or another place, under section 15 (a *self isolation period*); and
 - (b) it is no more than 12 weeks since the person's self-isolation period ended.

19 Persons who reside with diagnosed persons

- (1) This section applies if a household contact of a diagnosed person has not been given a direction under section 20 by or on behalf of an authorised contact tracer.

Note: See section 17, which provides that a household contact is not required to comply with this section if the person complies with the NSW Health Household and Close Contact Guidelines for the period set out in that subclause.

- (2) The household contact must comply with section 20 as if the household contact had been given a direction under paragraph 20(1)(a) to reside at the household contact's place of residence, or a place suitable for the household contact to reside, for a period of 7 days from when the diagnosed person undertook the test that resulted in the person becoming a diagnosed person.

Note: See section 18, which provides that section 20 does not apply to a person who is a household contact if the person has previously been diagnosed with COVID-19 and it is no more than 12 weeks since the person's period of self-isolation under section 15 in relation that diagnosis ended.

20 Direction—close contacts of persons diagnosed with COVID-19 must self-isolate

- (1) A close contact must, if directed in writing to do so by or on behalf of an authorised contact tracer, immediately travel directly to:
 - (a) the close contact's residence or a place suitable for the close contact to reside in; or
 - (b) if determined as necessary by a designated health practitioner or authorised contact tracer—a residence or place that has been determined by the designated health practitioner or authorised contact tracer to be suitable for the close contact to reside in; or
 - (c) if the close contact is from a State or the Australian Capital Territory and a designated health practitioner or authorised contact tracer considers it appropriate for the close contact to return to the State or Territory—a residence, hospital or other place in the State or Territory that has been determined by the designated health practitioner or authorised contact tracer to be suitable for the close contact.

Note: See sections 17 and 18 of this Direction, which provide for exceptions from the requirements of this section.

- (2) If a designated health practitioner or authorised contact tracer determines that a hospital, residence or place that a close contact is residing in is not suitable for

the person, the person must travel directly, and in a way determined by the designated health practitioner or authorised contact tracer, to:

- (a) a residence or place that the designated health practitioner or authorised contact tracer determines is suitable for the close contact to reside in; or
 - (b) if determined as necessary by a designated health practitioner or authorised contact tracer—a hospital for assessment by a medical practitioner.
- (3) A close contact to whom paragraph (1)(a) or (b) or (2)(a) applies must reside at the residence or other suitable place for the period of time, not exceeding 7 days, determined by an authorised contact tracer and notified in writing to the close contact.
- (4) A close contact to whom paragraph (1)(a) or (b) or (2)(a) applies and who intends to reside at a residence or place must, on request, provide the address of the residence or place and a contact telephone number to an authorised contact tracer.
- (5) A close contact referred to in paragraph (1)(a) or (b) or (2)(a), while residing at the residence or place, must do the following:
- (a) not leave the residence or place except:
 - (i) for the purposes of obtaining medical care, including a test for COVID-19, or medical supplies; or
 - (ii) in another emergency situation;
 - (b) not permit another person to enter the residence or place unless:
 - (i) the other person usually lives at the residence or place or the other person is also complying with a direction under this Direction; or
 - (ii) the entry is for medical or emergency purposes; or
 - (iii) if the close contact is a person with a disability to whom supports are provided—the entry is for the purposes of providing essential support services; or
 - (iv) if the close contact is an aged care consumer—the entry is for the purposes of providing essential support services; or
 - (v) if the close contact is residing at a place other than a residence—for the purposes of delivering food or essential items;
 - (c) otherwise comply with the NSW Health self-isolation guideline.
- (6) A person who enters a residence or place under subparagraph (5)(b)(iii) or (iv) must take reasonable steps to reduce the risk of transmission of COVID-19, including by:
- (a) using personal protective equipment; and
 - (b) only remaining on the premises for the time it takes to provide the essential support services.
- (7) A close contact referred to in paragraph (1)(a) or (b) or (2)(a), while residing at the residence or place, must, if directed in writing to do so by an authorised contact tracer:

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- (a) be tested for COVID-19 and provide information about the date, time and location of the test; or
 - (b) continue to comply with this section for a further period, not exceeding 14 days, specified by the authorised contact tracer.

Part 6—Stay at home orders, exemptions and enforcement

- (1) In this Part:

EL 2, Territories means an APS employee in the Department who is classified as Executive Level 2 and who has responsibility for the Territory.

relevant departmental official means:

- (a) an EL 2, Territories; or
- (b) a SES 1, Territories; or
- (c) a SES 2, Territories; or
- (d) a SES 3, Territories.

SES 1, Territories means an APS employee in the Department who is classified as Senior Executive Band 1 and who has responsibility for the Territory.

SES 2, Territories means an APS employee in the Department who is classified as Senior Executive Band 2 and who has responsibility for the Territory.

SES 3, Territories means an APS employee in the Department who is classified as Senior Executive Band 3 and who has responsibility for the Territory.

21 Exemptions

- (1) Subject to subsections (2) and (3), a relevant departmental official may, in writing and subject to the conditions that the official considers appropriate, grant an exemption to this Direction or specified provisions of this Direction.
- (2) A relevant departmental official may, in writing and subject to the conditions that the official considers appropriate, exempt a person from the operation of sections 19 or 20 if satisfied it is necessary to protect the health and wellbeing of any member of the public.
- (3) Subsection (1) does not apply to section 13.
- (4) A person who is granted an exemption under subsection (1) or (2) must comply with any conditions imposed.

22 Enforcement

- (1) If a person fails to comply with this Direction or with a condition imposed under section 21, an authorised person may then direct the person to do such things as are reasonably necessary to comply with the Direction or with the condition including, upon request, to produce proof of identification to the authorised person.

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- (2) If a person fails to comply with any direction given under subsection (1), then the authorised person may take all reasonable steps to enforce compliance with this direction or any other provision in this Direction.

23 Information provided must be true and accurate

- (1) A person must ensure information is true and accurate if it is provided under this Direction to an emergency services officer.
- (2) A person must ensure evidence is true and accurate if it is produced in response to a request under this Direction.

24 Direction about complying with Schedule 1 when the Territory is under stay at home orders

- (1) The Territory is under *stay at home orders* when:
- (a) the majority of persons living in the Shoalhaven LGA are:
 - (i) subject to a requirement to not be away from the person's place of residence; and
 - (ii) the requirement is imposed at direction of the NSW Minister under Part 2 of the *Public Health Act 2010* (NSW); and
 - (ii) the direction is made to respond to COVID-19; or
 - (b) a stay at home order in relation to the Territory has been issued for the purposes of this section by a:
 - (i) SES 1, Territories; or
 - (ii) SES 2, Territories; or
 - (iii) SES 3, Territories.
- (2) When the Territory is under stay at home orders, Schedule 1 to this Direction has effect according to its terms.
- (3) If, while the Territory is under stay at home orders, there is an inconsistency between a provision of Schedule 1 and a provision of Part 2, 3, 4, 5 or 6, the provision of Schedule 1 prevails to the extent of any inconsistency
- (4) To avoid doubt, a failure to comply with a provision of Schedule 1 to this Direction while the Territory is under stay at home orders is a failure to comply with this Direction.

Schedule 1—Directions applying while the Territory is under stay at home orders

Section 24—note this Schedule has effect while the Territory is under stay at home orders

1 Staying at home

- (1) A person must not without reasonable excuse:
 - (a) be away from the person's place of residence, wherever located; or
 - (b) if the person is staying in temporary accommodation, wherever located—be away from the temporary accommodation.
- (2) For the purposes of subclause (1), a reasonable excuse includes doing an activity specified by Schedule 3.
- (3) For the purposes of paragraph (1)(b), it is a reasonable excuse to leave the temporary accommodation if:
 - (a) the period of the booking of the temporary accommodation expires; and
 - (b) the person goes directly to the person's place of residence or other temporary accommodation; and
 - (c) the person continues to comply with this clause.
- (4) Taking a holiday is not a reasonable excuse.
- (5) This clause does not apply to a person who is homeless.

2 Entering the Territory

- (1) A person outside of the Territory must not, without reasonable excuse, enter the Territory.
- (2) For the purposes of subclause (1), a reasonable excuse includes:
 - (a) entering to go to the person's place of residence in the Territory;
 - (b) doing an activity specified in Schedule 3, items 2 to 4, 6 or 8 to 16; or
 - (c) obtaining food or other goods or services if:
 - (i) the food, goods or services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
 - (ii) the food, goods or services, or equivalent food, goods or services, are not reasonably available outside the Territory; or
 - (c) attending a small funeral or memorial service.
- (3) Taking a holiday in the Territory is not a reasonable excuse.

3 Travelling through the Territory

Clauses 1 and 2 do not apply to a person merely because the person:

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- (a) travels through the Territory in a vehicle if the person does not leave the vehicle while in the Territory; or
 - (b) enters the Territory by road and then travels through the Territory by the most practicable direct route; or
 - (c) enters the Territory, by vessel or aircraft, and then travels directly from the port or airport at which the person arrived to leave the Territory by the most practicable direct route; or
 - (d) enters the Territory to travel to a port or airport to leave the Territory and then travels to the port or airport by the most practicable direct route.

4 Leaving the Territory

A person who is at least 18 years of age who is leaving the Territory must:

- (a) carry evidence showing the address of the person's place of residence or temporary accommodation; and
- (b) produce the evidence for inspection if requested to do so by a police officer.

5 Visitors to places of residence

- (1) An adult member of a household must not allow a visitor to be at the place of residence of the household in the Territory unless the visitor is authorised by this clause or clause 6.
- (2) A person must not visit a place of residence in the Territory unless the person is authorised by this clause or clause 6.
- (3) For the purposes of this clause, a person is not visiting, or a visitor to, a place of residence if the person is a member of the household of the place of residence.
- (4) A person is authorised to visit a place of residence in the Territory for any of the following purposes:
 - (a) for childcare;
 - (b) to give effect to new or existing arrangements for spending time with, and providing contact between, parents and children under the age of 18 or between siblings;
 - (c) to assist a person moving to or from the place of residence;
 - (d) to avoid an injury or illness or to escape a risk of harm;
 - (e) because of an emergency;
 - (f) to view or inspect real property for sale or lease or participate in an auction of real property.
- (5) A person is authorised to visit a place of residence in the Territory for the following purposes, but no more than 1 visitor may be at the place of residence for the purposes at any one time:
 - (a) to fulfil carers' responsibilities;
 - (b) to provide care or assistance, including personal care, to a vulnerable person;

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- (c) for compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together;
 - (d) if only 1 adult person resides in the place of residence—to be a social visitor who is an individual nominated by the person (the person's *nominated visitor*).
- (6) A dependant of a person referred to in subclause (5) is authorised to accompany the person on the visit to the place of residence if:
- (a) the dependant is a child who needs to be supervised by an adult, and
 - (b) alternative childcare arrangements are not reasonably available.
- (7) An individual is eligible to be a nominated visitor for a person if:
- (a) no other individual has been a nominated visitor for the person, and
 - (b) the individual has not been a nominated visitor for another person, and
 - (c) the individual resides in the Territory or the Shoalhaven LGA.
- (8) In this clause:
- place of residence* includes, for a person staying in temporary accommodation, the temporary accommodation.
- reside* includes stay in temporary accommodation.

6 Workers in places of residence

- (1) For the purposes of clause 5, a person (a worker) is authorised to visit a place of residence in the Territory to carry out work.
- (2) The worker must not visit the place of residence to carry out prescribed work unless:
 - (a) no more than 2 workers are visiting the place of residence at any time to carry out work, whether or not prescribed work; and
 - (b) no person, other than another worker, is in the same room as the worker when the worker is carrying out prescribed work.
- (3) Despite paragraph (2)(a), if all workers are carrying out work in an outdoor area of the place of residence, up to 5 workers, rather than 2 workers, may visit the place of residence at any time.
- (4) In this clause:

prescribed work means the following:

 - (a) cleaning;
 - (b) repairs and maintenance;
 - (c) alterations and additions to buildings;
 - (d) work carried out as part of a trade, including electrical work or plumbing.

7 Persons not to participate in outdoor public gatherings

- (1) A person must not participate in an outdoor public gathering in the Territory of more than 2 persons.
- (2) This clause does not apply to a person who is:
 - (a) engaged in work; or
 - (b) providing care or assistance to vulnerable persons.
- (3) This clause does not apply to the following:
 - (a) a gathering referred to in Schedule 2 to this Direction;
 - (b) a gathering of persons all of whom are members of the same household;
 - (c) a gathering to provide emergency assistance to a person or persons;
 - (d) a gathering necessary to allow a person to fulfil a legal obligation;
 - (e) a gathering to facilitate a move to a new place of residence, including a business moving to new premises.

8 Certain premises to be closed

- (1) The following must not be open to members of the public in the Territory except as provided in this clause:
 - (a) pubs and registered clubs, except for the purposes of:
 - (i) selling food or beverages for persons to consume off the premises; or
 - (ii) if the premises include hotel or motel accommodation—providing that accommodation including by providing food or beverages to persons using that accommodation to consume in their rooms; or
 - (iii) a small funeral or memorial service;
 - (b) food and drink premises, other than cafeterias in workplaces or pubs, except for the purposes of:
 - (i) selling food or beverages for persons to consume off the premises; or
 - (ii) if the premises are part of hotel or motel accommodation—providing food or beverages to persons using that accommodation to consume in their rooms; or
 - (iii) if the premises are part of a shopping centre—selling food or beverages for persons to consume outside of the shopping centre; or
 - (iv) a small funeral or memorial service;
 - (c) entertainment facilities, except for the purposes of a small funeral or memorial service;
 - (d) amusement centres;
 - (e) micro-breweries or small distilleries holding a drink on-premises authorisation under ACT liquor legislation or cellar door premises, except for the purposes of selling food or beverages for persons to consume off the premises;
 - (f) recreation facilities (indoor), except for the purposes of:
 - (i) providing educational services or childcare; or
 - (ii) a small funeral or memorial service;

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- (g) places of public worship, except for the purposes of:
 - (i) a small funeral or memorial service; or
 - (ii) providing educational services or childcare;
 - (h) business premises that are hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours;
 - (i) business premises that are auction houses or betting agencies;
 - (j) markets, but not markets that predominantly sell food;
 - (k) information and education facilities, except for the purposes of providing educational services or childcare;
 - (l) caravan parks and camping grounds, except for the purposes of:
 - (i) accommodating permanent residents of the caravan park or camping ground, overnight travellers, persons working in the local area or other persons who have no other place of permanent residence; or
 - (ii) allowing visitors to visit persons referred to in subparagraph (i);
 - (m) sex services premises;
 - (n) sex on premises venues;
 - (o) casinos, except for the purposes of:
 - (i) if the premises include hotel or motel accommodation—providing that accommodation including by providing food or beverages to persons using that accommodation to consume in their rooms; or
 - (ii) selling food or beverages for persons to consume off the premises;
 - (p) nightclubs.
- (2) Retail premises must not be open to members of the public in the Territory, except for the following:
- (a) supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops;
 - (b) shops that predominantly sell food or drinks;
 - (c) chemists and pharmacies;
 - (d) kiosks;
 - (e) shops that predominately sell any of the following in the course of the normal operation of the shop:
 - (i) office supplies;
 - (ii) pet supplies;
 - (iii) newspapers, magazines and stationery;
 - (iv) alcohol;
 - (v) maternity and baby supplies;
 - (vi) medical or pharmaceutical supplies;
 - (f) food and drink premises, but only as permitted under paragraphs (1)(a) or (b);
 - (g) cellar door premises, but only as permitted under paragraph (1)(e);
 - (h) hardware and building supplies;
 - (i) landscaping material supplies;
 - (j) rural supplies;

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- (k) timber yards;
 - (l) garden centres and plant nurseries;
 - (m) vehicle hire premises, not including the premises at which vehicles are sold;
 - (n) shops that predominately carry out repairs of mobile phones.

Note: Service stations, banks, post offices, laundromats and dry cleaners are not retail premises and can remain open.

- (3) Subclause (2) does not prevent retail premises from being open for the purposes of selling goods to the public by:
 - (a) a “click and collect” service, where a person buys, returns or exchanges goods by telephone or online and then attends the retail premises to collect, exchange or return the goods; or
 - (b) delivering goods to a person’s place of residence or other premises after the person has bought the goods by telephone or online.
- (4) The following must be closed to members of the public:
 - (a) a public swimming pool, but not a natural swimming pool,
 - (b) a property, other than a retail shop, operated by the National Trust or the Historic Houses Trust,
 - (c) a gaming lounge,
 - (d) a strip club.
- (5) A person must not do the following in the Territory:
 - (a) conduct an open inspection of premises for the purposes of the sale or lease of the premises, but a person may show a single person the premises after the person has made an appointment for that purpose;
 - (b) conduct an auction at which persons attend in person.
- (6) Nothing in this clause prevents the use of premises:
 - (a) to provide a service to assist vulnerable members of the public, for example a food bank or a service providing for the needs of homeless persons; or
 - (b) as an early education and care facility.
- (7) Paragraph (1)(l) does not apply to a person who was staying at a caravan park or camping ground immediately before the commencement of this clause and who is continuing to stay at the caravan park or camping ground under a booking:
 - (a) that was made before that date, and
 - (b) that has not been extended after that date.

9 Use of vehicles

- (1) A person must not travel in a vehicle in the Territory with another person other than:
 - (a) a member of the person’s household; or
 - (b) the person’s nominated visitor.

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- (2) This clause does not apply to a vehicle being used for the following purposes:
 - (a) to engage in work;
 - (b) to provide a public transport service;
 - (c) to provide care or assistance to a vulnerable person;
 - (d) in an emergency or for compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.
 - (3) A person who is at least 16 years of age who is travelling in a vehicle in the Territory with another person must:
 - (a) carry evidence showing the address of the person's place of residence or temporary accommodation; and
 - (b) produce the evidence for inspection if requested to do so by a police officer.

10 Working from home

- (1) This clause applies to an employee:
 - (a) whose place of residence is in the Territory; or
 - (b) who is staying in temporary accommodation in the Territory.
- (2) An employer must require an employee to work at the employee's place of residence.
- (3) Subclause (2) does not apply if it is not reasonably practicable for the employee to work at the employee's place of residence.

Schedule 2—Exempted gatherings

Clause 7(3)(a) in Schedule 1

- 1 A gathering at the following premises that is necessary for the normal operation of the premises—
 - (a) an airport,
 - (b) a hospital or other medical or health facility,
 - (c) a disability or aged care facility,
 - (d) a court or tribunal,
 - (f) a supermarket, market that predominantly sells food, grocery store or shopping centre, but not a retail store in a shopping centre other than a supermarket, market that predominantly sells food or grocery store,
 - (g) a farm,
 - (h) a commercial fishing operation,
 - (i) a mine,
 - (j) a commercial vessel, but not a vessel providing tours or hosting functions,
 - (k) a school, university or other educational institution, but not a gathering for a school event that involves members of the community in addition to staff and students,
 - (l) a child care facility,
 - (m) a hotel, motel or other accommodation facility.
- 2 A gathering for the purposes of or related to transportation, including in vehicles or at truck stops, stations, platforms or stops or other public transportation facilities, but not a gathering on a vehicle being used as a party bus.
- 3 A gathering for the purposes of emergency services, including the provision of training by an emergency service.
- 4 A gathering at a prison, correctional facility, youth justice centre or other place of custody.
- 5 A gathering at an outdoor space for the purposes of transiting through the place.
- 6 A gathering to provide a service to assist vulnerable members of the public, including, for example, a food bank or a service providing for the needs of homeless persons.
- 7 A gathering at premises that is necessary to provide the services of an early education and care facility.

Schedule 3—Reasonable excuses

Clauses 1 and 2 in Schedule 1

- 1 (1) Obtaining food or other goods or services if:
 - (a) the food, goods or services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets; and
 - (b) the food, goods or services are obtained locally, unless the food, goods or services or equivalent food, goods or services are not reasonably available locally; and
 - (c) unless it is not reasonably practicable, no member of the person's household, including the person, has already left the place of residence or temporary accommodation on that day to obtain food or other goods and services; and
 - (d) for a person who is at least 18 years of age, the person:
 - (i) carries evidence showing the address of the person's place of residence or temporary accommodation; and
 - (ii) produces the evidence for inspection if requested to do so by a police officer.
- (2) In this item:

locally means:

 - (a) within the Territory; or
 - (b) no further than 20 kilometres from the person's place of residence or temporary accommodation.
- 2 For the purposes of work, if:
 - (a) it is not reasonably practicable for the employee to work at the employee's place of residence, and
 - (b) if the person is required to visit another person's place of residence to engage in work—the person is authorised under clause 6 of Schedule 1.
- 3 For the purposes of attending childcare, including picking up or dropping another person at childcare
- 4 For the purposes of facilitating attendance at a school or other educational institution if the person attending the school or institution cannot learn from the person's place of residence
- 5 Undertaking exercise or outdoor recreation if:
 - (a) the exercise or recreation is undertaken at a place:
 - (i) within the Territory, or
 - (ii) no further than 10 kilometres from the person's place of residence or temporary accommodation; and

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- (b) for a person travelling in a private vehicle to or from the place—no other person is in the vehicle, other than:
 - (i) a member of the person's household; or
 - (ii) the person's nominated visitor; and
 - (c) for a person who is at least 18 years of age, the person:
 - (i) carries evidence showing the address of the person's place of residence or temporary accommodation; and
 - (ii) produces the evidence for inspection if requested to do so by a police officer.
 - 6 Obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including obtaining a COVID-19 vaccine
 - 7 Attending a small funeral or memorial service:
 - (a) in the Territory; or
 - (b) outside the Territory if the person is the spouse, de facto partner, parent, child or sibling of the deceased person.
 - 8 Moving to a new place of residence including a business moving to new premises, or between different places of residence of the person, or inspecting a potential new place of residence
 - 9 Providing care or assistance, including personal care, to a vulnerable person or providing emergency assistance
 - 10 Donating blood
 - 11 Undertaking any legal obligations
 - 12 Accessing public services, whether provided by Government, a private provider or a non-Government organisation, including the following:
 - (a) social services;
 - (b) employment services;
 - (c) domestic violence services;
 - (d) mental health services;
 - (e) services provided to victims, including as victims of crime
 - 13 For children who do not live in the same household as their parents or siblings or one of their parents or siblings—giving effect to new or existing arrangements for access to, and contact between, parents and children or siblings
 - 14 For a person who is a priest, minister of religion or member of a religious order—going to the person's place of worship or providing pastoral care to another person
 - 15 Avoiding injury or illness or to escape a risk of harm
 - 16 For emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together
 - 17 For an individual who is a person's nominated visitor—
 - (a) to visit the person in accordance with clause 5(5)(d) in Schedule 1 to this Direction, or
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- (b) to accompany the person when the person, in accordance with item 5, is undertaking exercise or outdoor recreation

