



Public Health (Jervis Bay Territory) Emergency (Temporary Restrictions) Direction 2021 (No. 2)

I, Sarah Vandenbroek, First Assistant Secretary, Territories Division, 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* (Cwlth), make the following Direction.

Dated 12 August 2021 at 3:35 ~~am~~/pm

Sarah Vandenbroek
First Assistant Secretary
Territories Division
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 (Temporary Restrictions) Direction 2021 (No. 2)*.

2 Commencement

This Direction takes effect immediately after it is made.

3 Authority

- (1) This Direction is made under section 120 of the Act.
- (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 Relationship with other orders

If there is an inconsistency between this Direction and the JBT emergency direction, this Direction prevails to the extent of the inconsistency.

6 Revocation

- (1) This Direction revokes the repealed direction.
- (2) For the avoidance of doubt, any act, matter or thing that, immediately before the revocation of the repealed direction, had effect under that direction continues to have effect under this Direction.
- (3) If, immediately before the commencement of this Direction, a person was required to keep a record under the repealed direction, that requirement continues under this Direction as if the repealed direction remained in force.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immediately before the commencement of this Direction, an exemption granted by an emergency services officer under the repealed direction was in force, that exemption continues as if it were granted under this Direction.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

repealed direction means the *Public Health (Jervis Bay Territory) Emergency (Temporary Restrictions) Direction 2021*.

7 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* (Cwlth).

8 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* (Cwlth).

In 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* (Cwlth).

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* (Cwlth).

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.

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

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.

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

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- (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 safe outdoor public gathering: has the same meaning as in the JBT emergency direction.

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

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

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* (Cwlth).

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

event includes a function.

fitted face covering means a mask or other covering that:

- (a) fits securely around the face; and
- (b) is designed or made to be worn over the nose and mouth to provide the wearer with protection against infection.

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.

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following:

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas;
- (b) pets and pet supplies;
- (c) fresh produce.

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.

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

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.

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.

industrial premises mean premises used for the:

- (a) manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with the activity; or
- (b) handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes

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.

JBT emergency direction means the *Public Health (Jervis Bay Territory) Emergency Direction (No. 4) 2021* and includes any direction that revokes and replaces that Direction or a replacement direction.

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

landscaping material supplies means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

lockdown: see subsections 21(2) and 32(2).

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.

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

nominated visitor: see paragraph 26(5)(d) and subsection 26(7).

non-residential premises means premises other than a place of residence.

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.

office premises means premises used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis.

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

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.

plant nursery means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

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 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 service includes a taxi service, rideshare service, passenger service and community transport service.

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.

rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

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

short-term rental means premises to which a short-term rental accommodation arrangement applies.

short-term rental accommodation arrangement means a commercial arrangement for giving a person the right to occupy residential premises for a period of not more than 3 months at any one time.

significant event means:

- (a) a funeral or memorial service; or
- (b) a wedding service; or
- (c) a gathering following a funeral or memorial service or wedding service.

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.

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.

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

timber yard means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

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

9 Calculation of space available for persons

- (1) In calculating both the space available for each person on any premises and the number of persons on the premises, the following persons are not to be included in any calculations:
 - (a) any person engaged in work on the premises for the occupier of the premises;
 - (b) any person on the premises because of an emergency;
 - (c) if the premises are food and drink premises—any person ordering or collecting food or drink to consume off the premises.
- (2) In calculating the space available for each person on any premises, only the areas that are open to the public are to be included in the calculations.
- (3) Paragraph (1)(a) and subsection (2) do not apply in relation to the following premises:
 - (a) a construction site;
 - (b) industrial premises;
 - (c) office premises;
 - (d) a warehouse or distribution centre.

10 Travelling by most direct practicable route

If a provision of this Direction provides for a person to travel by the most practicable direct route, the provision does not prevent the person:

- (a) obtaining fuel for a vehicle or other necessary supplies for a vehicle or a person in a vehicle; or
- (b) taking a rest stop, including a meal break; or
- (c) dealing with an emergency.

Part 2—Restrictions on work, gathering and premises

11 Direction about places of work

An employer must allow an employee to work at the employee's place of residence if it is reasonably practicable to do so.

12 Direction about the number of visitors to a place of residence

- (1) Each adult member of a household must not allow more than 5 visitors to be at the place of residence of the household at any one time.
- (2) A visitor to a place of residence must not participate in a gathering at the residence consisting of more than 5 visitors.
- (3) A person is not a visitor to a place of residence if:
 - (a) the person is a member of the household of the place of residence; or
 - (b) the person is at the place of residence for any of the following purposes:
 - (i) to engage in work;
 - (ii) for childcare;
 - (iii) to fulfil carers' responsibilities;
 - (iv) to provide care of assistance, including personal care, to a vulnerable person;
 - (v) 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;
 - (vi) to assist a person moving to or from the place of residence;
 - (vii) to avoid an injury or illness or to escape a risk of harm;
 - (viii) because of an emergency or for compassionate reasons;
 - (ix) to view or inspect real property for sale or lease or participate in an auction of real property; or
 - (c) the person is at the place of residence to attend a significant event.

13 Direction about holiday homes and short-term rentals

- (1) The occupier of premises must not allow the premises to be used for the purpose of a holiday home or a short-term rental for more than 5 persons unless all of those persons are from the same household.
- (2) A visitor to premises that are being used as a holiday home or short-term rental must not participate in a gathering at the premises consisting of more than 5 visitors.
- (3) Subsection (1) does not apply to a holiday home or short-term rental if:
 - (a) more than 5 persons were staying in the premises immediately before the commencement of this Direction; and
 - (b) no additional person moves into the premises after the commencement of this Direction.

Part 3—Non-residential premises

14 Direction about the number of persons allowed on premises

- (1) The occupier of premises must not allow more persons on the premises than the greater of the following:
 - (a) the number of persons that is equivalent to one person per 4 square metres of space in the premises;
 - (b) if the Territory is not in lockdown—25 persons.
- (2) This section does not apply to:
 - (a) a place of residence; or
 - (b) an entertainment facility; or
 - (c) a recreation facility (major); or
 - (d) a vessel used for commercial tours for scuba diving, snorkelling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel; or
 - (e) caravan parks and camping grounds; or
 - (f) holiday homes and short-term rentals; or
 - (g) a gathering referred to in Schedule 2 to the JBT emergency direction.

15 Direction about entertainment facilities and recreation facilities (major)

- (1) The occupier of an entertainment facility must ensure the number of persons on the premises does not exceed the greater of the following:
 - (a) the number of persons equal to 50% of the fixed seating capacity of the facility;
 - (b) the number of persons equivalent to one person per 4 square metres of space in the facility.
- (2) The occupier of a recreation facility (major) must ensure the number of persons on the premises does not exceed the greater of the following:
 - (a) the total of:
 - (i) 50% of the fixed seating capacity of facility; and
 - (ii) the number of persons equal to one person per 4 square metres of space of any unfixed seating areas of the facility;
 - (b) the number of persons equivalent to one person per 4 square metres of space in the facility.
- (3) If the occupier of an entertainment facility or recreation facility (major) calculates the maximum number of persons allowed to be on the premises based on the percentage of the fixed seating capacity of the entertainment facility, the occupier must ensure:
 - (a) admission to the premises is by way of a ticket; and
 - (b) all persons, other than persons engaged in work, are assigned to specific seats.

16 Direction about gymnasiums and recreation facilities (indoor)

- (1) The occupier of a gymnasium must ensure the maximum number of persons attending any group class carried out at the gymnasium does not exceed 20 persons.
- (2) The occupier of a recreation facility (indoor) must ensure the maximum number of persons attending any group dance class carried out at the facility does not exceed 20 persons.

17 Direction about singing on non-residential premises

- (1) The occupier of non-residential premises must ensure that persons in an indoor area of the premises do not sing.
- (2) Subsection (1) does not apply if:
 - (a) the persons singing are performers engaged in a performance or rehearsing for a performance; or
 - (b) the premises are an educational establishment; or
 - (c) the persons are singing for the purpose of instruction in singing.

18 Direction about consuming alcohol on non-residential premises

The occupier of non-residential premises must ensure that persons in an indoor area of the premises do not consume alcohol unless seated.

19 Direction about dancing in indoor hospitality venue or nightclub

- (1) The occupier of an indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.
- (2) Subsection (1) does not apply to dancing at a wedding by members of the wedding party if there are no more than 20 dancers at the one time.

Part 4—Face coverings

20 Direction to wear fitted face coverings

- (1) A person must wear a fitted face covering over both the person's nose and mouth at all times while the person is:
 - (a) in any indoor area of non-residential premises; and
 - (b) at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service; and
 - (c) in a recreation facility (major); and
 - (d) attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering; and
 - (e) working at a hospitality venue and dealing directly with members of the public; and
 - (f) if the Territory is in lockdown:
 - (i) in an indoor area on common property for residential premises; and
 - (ii) in any indoor or outdoor area of a market that predominantly sells food; and
 - (iii) outdoors next to or near food and drink premises or retail premises; and
 - (iv) working in an outdoor area; and
 - (v) in an outdoor area, unless the outdoor area forms part of residential premises.
- (2) Subsection (1) does not apply to the following persons:
 - (a) a person aged 12 years or under;
 - (b) a person with a physical or mental health illness or condition, or disability, that makes wearing a fitted face covering unsuitable including, for example, a skin condition, an intellectual disability, autism or trauma.
- (3) Despite subsection (1), a person may remove a fitted face covering the person is otherwise required to wear in the following circumstances:
 - (a) the person is eating or drinking;
 - (b) the person is engaging in strenuous physical exercise except in an indoor gym class or dance class;
 - (c) the person is communicating with another person who is deaf or hard of hearing;
 - (d) the person is at work and the nature of the person's work:
 - (i) makes the wearing of a fitted face covering a risk to the person's, or another person's health and safety; or
 - (ii) means clear enunciation or visibility of the person's mouth is essential;
 - (e) the person is asked to remove the fitted face covering to ascertain the person's identity;
 - (f) because of an emergency;

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- (g) the removal of the fitted face covering is necessary for the proper provision of goods or services;
 - (h) the person is in a correctional centre or other place of custody;
 - (i) the person is a patient in a public hospital or private health facility;
 - (j) the person is a resident of a residential aged care facility;
 - (k) the person is in a school or an early education and care facility;
 - (l) the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room;
 - (m) the person is on a construction site;
 - (n) the person is in the process of getting married;
 - (o) the person is working alone in an indoor area like an office until another person enters the area;
 - (p) the person is in a vehicle alone or with another person of the same household.
- (4) A person who removes the person's fitted face covering under subsection (3) must resume wearing the fitted face covering as soon as practicable after the circumstance ends.

(5) In this section:

public transport service includes a taxi service, rideshare service, passenger and community transport service.

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.

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* (Cwlth):

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

Part 5—Special directions when the Territory is in lockdown

Division 1—Introduction

21 When this Part is in force

- (1) This Part is only in force when:
 - (a) the majority of persons living in the Shoalhaven LGA are subject to a requirement to not be away from the person's place of residence; and
 - (b) the requirement is imposed at direction of the NSW Minister under Part 2 of the *Public Health Act 2010* (NSW); and
 - (c) the direction is made to respond to COVID-19.
- (2) The Territory is in **lockdown** when this Part is in force.
- (3) If there is an inconsistency between a provision of this Part and a provision of Part 2, 3 or 4, the provision of this Part prevails to the extent of any inconsistency.

Note: When the Territory is in lockdown, additional requirements also apply relating to:

- (a) the number of persons allowed on non-residential premises (paragraph 13(1)(b)); and
- (b) when a person is required to wear a fitted face covering (paragraph 19(1)(f)).

Division 2—Movement

22 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 subsection (1), a reasonable excuse includes doing an activity specified by Schedule 1.
- (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 section.
- (4) Taking a holiday is not a reasonable excuse.
- (5) This section does not apply to a person who is homeless.

23 Entering the Territory

- (1) A person outside of the Territory must not, without reasonable excuse, enter the Territory.
- (2) For the purposes of subsection (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 1, 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.

24 Travelling through the Territory

Sections 22 and 23 do not apply to a person merely because the person:

- (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.

25 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.

Division 3—Residential premises

26 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 section or section 27.
- (2) A person must not visit a place of residence in the Territory unless the person is authorised by this section or section 27.

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- (3) For the purposes of this section, 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;
 - (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 subsection (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 section:

place of residence includes, for a person staying in temporary accommodation, the temporary accommodation.

reside includes stay in temporary accommodation.

27 Workers in places of residence

- (1) For the purposes of section 26, a person (a worker) is authorised to visit a place of residence in the Territory to carry out work.

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- (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 section:

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.

Division 4—Outdoor public gatherings

28 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 section 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 the JBT emergency 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.

Division 5—Closure of certain premises

29 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 section:
 - (a) pubs and registered clubs, except for the purposes of:
 - (i) selling food or beverages for persons to consume off the premises; or

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- (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 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;
 - (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.
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- (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;
 - (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) Subsection (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:

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- (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 section 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.

Division 6—Miscellaneous

30 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.
- (2) This section 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.

31 Working from home

- (1) This section 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.

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- (3) Subsection (2) does not apply if it is not reasonably practicable for the employee to work at the employee's place of residence.

Part 6—Directions relating to lockdowns in the ACT

32 Expanded application of restrictions relating to COVID-19 affected areas

- (1) The restrictions relating to COVID-19 affected areas have additional application as follows:
- (a) the definition of 'affected person' extends to include a person who has been in the ACT when it is in lockdown, other than a person who transited through the ACT by road or rail, provided the person did not exit the vehicle in which the person was travelling while in the ACT);
 - (b) the ACT required quarantine period for a person who has been in the ACT when it was in lockdown is the period of 14 days beginning on the day after the last date the person was in the ACT when it was in lockdown and concluding at 11:59pm on Day 14.
- (2) For the purposes of this section, the ACT is in *lockdown* when:
- (a) the majority of persons living in the ACT are subject to a requirement to not be away from the person's place of residence; and
 - (b) the requirement is imposed under a direction of the ACT Chief Health Officer under section 120 of the *Public Health Act 1997* (ACT); and
 - (c) the direction is made to alleviate an emergency declared under a COVID-19 declaration (within the meaning of section 119 of the *Public Health Act 1997* (ACT)).
- (3) In this section:
- restrictions relating to COVID-19 affected areas* means the following:
- (a) Part 8 of the *Public Health (Jervis Bay Territory) Emergency Directions (No. 4) 2021* (the *original direction*);
 - (b) where an instrument has revoked and replaced the original direction, or a replacement direction—any Part of the instrument that imposes restrictions on an affected person (as defined in that Part).

Part 7—Exemptions and enforcement

33 Exemptions

- (1) Subject to subsection (2), an emergency services officer may, in writing and subject to the conditions that the officer considers appropriate, grant an exemption to this Direction or specified provisions of this Direction.
- (2) A person who is granted an exemption under subsection (1) must comply with any conditions imposed.
- (3) An exemption granted under clause 25 of the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021* (NSW) for an activity in

Greater Sydney applying for Greater Sydney generally operates as an exemption for the activity in the Territory, subject to the same conditions (if any).

34 Enforcement

- (1) If a person fails to comply with this Direction or with a condition applicable under section 33, an authorised person may 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.
- (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 the direction or any other provision in this Direction.

Schedule 1—Reasonable excuses

Sections 22, 23

- 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 section 27.
- 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
 - (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

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- (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 vaccination
 - 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 22A(5)(d), or
 - (b) to accompany the person when the person, in accordance with item 5, is undertaking exercise or outdoor recreation

