

## **PUBLIC HEALTH ACT 2016 (WA)**

### **Sections 157(1)(k) and 190(1)(p)**

## **PROHIBITED GATHERINGS DIRECTIONS**

The World Health Organization declared COVID-19 a pandemic on 11 March 2020.

On 23 March 2020, the Minister for Health declared a public health state of emergency with effect from 1.30 p.m. on 23 March 2020 in respect of COVID-19 pursuant to section 167 of the *Public Health Act 2016 (WA)* (**Act**). The public health state of emergency applies to the State of Western Australia.

I, Dr Paul Kenneth Armstrong, an emergency officer authorised by the Chief Health Officer under section 174(2) of the Act to exercise any of the emergency powers while the public health state of emergency declaration in respect of COVID-19 is in force, consider it reasonably necessary to give the following directions to all persons in Western Australia to prevent, control or abate the serious public health risk presented by COVID-19 pursuant to sections 157(1)(k) and 190(1)(p) of the Act.

### **DIRECTIONS**

#### **Preamble**

1. The purpose of these directions is:
  - (a) to revoke the Mass Gatherings Directions (No 2) made on 20 March 2020; and
  - (b) to prohibit certain gatherings in order to prevent, control or abate the serious public health risk presented by COVID-19 by limiting the spread of COVID-19.

#### **Citation**

2. These directions may be referred to as the **Prohibited Gatherings Directions**.

#### **Commencement**

3. These directions come into effect at the beginning of the day after the day on which they are made.

#### **Revocation of the Mass Gathering Directions (No 2)**

4. The Mass Gatherings Directions (No 2) made on 20 March 2020 are revoked.

## Directions

5. A person who owns, controls or operates **premises** in the State of Western Australia must not allow a **prohibited gathering** to occur on the premises.
6. A person must not organise a prohibited gathering on premises in the State of Western Australia.
7. A person must not attend a prohibited gathering on premises in the State of Western Australia.

## Definition of prohibited gathering

8. A **prohibited gathering** means:
  - (a) a gathering of more than two (2) persons in a single undivided indoor space or a single undivided outdoor space that is a **public place** at the same time; or
  - (b) a gathering of two (2) or more persons in a single undivided indoor space or a single undivided outdoor space at the same time, where there is not at least 4 square metres of space for each person at the gathering,but does not include a gathering:
  - (c) at an airport that is necessary for the normal business of the airport; or
  - (d) for the purposes of or related to public transportation, including in vehicles or at public transportation facilities such as stations, platforms and stops; or
  - (e) at a medical or health service facility that is necessary for the normal business of the facility; or
  - (f) at a disability or aged care facility that is necessary for the normal business of the facility; or
  - (g) for the purposes of providing care or assistance (including personal care) to a vulnerable person or providing emergency assistance;
  - (h) for the purposes of emergency services; or
  - (i) at a prison, detention centre, lock up or other place of custody for the purposes of or related to the operation of that place of custody; or
  - (j) at Parliament for the purposes of its normal operations; or
  - (k) at a court or tribunal; or
  - (l) at a food market, supermarket, grocery store, retail store or shopping centre that is necessary for the normal business of those premises; or
  - (m) at an office building, factory, mining site (including mining site accommodation), construction site or other place of work that is necessary for

the normal business of those premises, except premises described in paragraph 8(n); or

- (n) at a school, university, educational institution or childcare facility that is necessary for the normal business of the facility; or
- (o) at a hotel, motel or other accommodation facility that is necessary for the normal operation of accommodation services; or
- (p) at an outdoor place where a gathering of persons which would otherwise constitute a mass gathering may be present for the purpose of transiting through the place; or

*Example: Forrest Place, Perth*

- (q) at an indoor place where a gathering of persons which would otherwise constitute a mass gathering may be present for the purpose of transiting through the place; or

*Examples: Perth Busport; an elevator or lift*

- (r) at an indoor place or an outdoor place where everyone in the gathering is a member of the same household; or
- (s) specified as exempt from this direction by the Chief Health Officer in writing.

9. For the purposes of paragraph 8(n), an event at a school, university, educational institution or childcare facility that involves members of the community in addition to staff, students and (in the case of a childcare facility) children in the care of that facility is taken to be unnecessary for the normal business of the facility.

*Note: The intended effect of paragraph 9 is that an event at a facility described by paragraph 8(n) which involves members of the community in addition to staff, students and children will be a mass gathering if it involves a gathering of persons which would, but for paragraph 8(n), constitute a mass gathering. Events include assemblies, sporting events or parent-teacher events.*

### **Other definitions**

10. **Household** means two or more persons who usually reside at the same place, irrespective of whether those persons are related to each other.

*Example 1: four university students who share a house are members of the same household, even though they are not related to each other.*

*Example 2: seven members of a family who live in the same house are members of the same household even though more than 2 generations live in that house (such as grandparents, parents and children).*

*Example 3: three members of a family who live in the same house with a boarder who usually resides there are members of the same household, even though only some of them are related to each other.*

*Example 4: a child who usually moves between the child's father's home and the child's mother's home on a week-about basis is part of the father's household when the child is living with the father and is part of the mother's household when the child is living with the mother.*

11. **Indoor space** means an area, room or premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of them are:
  - (a) permanent or temporary; or
  - (b) open or closed.
12. **Outdoor space** means a space that is not an indoor space.
13. **Premises** has the same meaning as it has in section 4(1) of the Act.
14. **Public place** means premises that are open to the public, or are used by the public whether or not for payment of money or other consideration, whether or not the place is ordinarily so open or used and whether or not the public to whom it is open consists of only a limited class of persons, but does not include premises described in paragraph 8(m) or premises being used at the relevant time for holding a wedding or funeral.

*Note: the intended effect of these directions is that the maximum number of people who may gather for the purposes of a wedding or funeral is as set out in the Preventative Restriction of Activities Directions (No 2) provided that a gathering for a wedding or funeral is still subject to the requirement that there be at least 4 square metres of space for each person at the gathering.*

*Example: a funeral is being held at a single undivided indoor space 30 square metres in area. Because there must be at least 4 square metres for each person in the space, only 7 persons can attend the funeral, even if the Preventative Restriction of Activities Directions (No 2) allows more persons to attend. The requirements of both directions must be met*

**PENALTIES**

It is an offence for a person to fail, without reasonable excuse, to comply with any of these directions, punishable by a fine of up to \$20,000 for individuals and \$100,000 for bodies corporate.



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**Dr Paul Kenneth Armstrong**  
Emergency Officer  
31 March 2020