

Health Minister's COVID-19 Quarantine Direction

Public Health Act 2010 (NSW)

FACT SHEET FOR NSW POLICE



The Health Minister has issued a Direction under s 7 of the *Public Health Act*.

The Health Minister directs that from 17 March 2020 a person who arrives in NSW and who has, within 14 days immediately before that arrival, been in a country other than Australia, must travel to premises suitable for quarantine, and except in exceptional circumstances, remain in those premises for 14 days. This Direction expires on 15 June 2020, unless a state of emergency is called.

The Health Minister is issuing more Directions. The Field will be updated.

HOW DO I RESPOND TO AN ALLEGED BREACH OF THE HEALTH MINISTER'S QUARANTINE DIRECTION?

Each situation needs to be assessed on its own merits. If in doubt, ask your Supervisor or seek legal advice. A common response may be:

- (a) while maintaining a safe distance from the person, provide a copy of the SEOCON's letter explaining the self-isolation requirements;
- (b) warn the person that they are breaching the Minister's Direction and committing a criminal offence, and seek their compliance;
- (c) put a COPS Event on the system and notify the breach to the Police Operation Centre (POC) during business hours or the State Coordinator after-hours, including the action you have taken (use COPS incident category "Miscellaneous", sub-category "Other Miscellaneous Offence", operation name "Corona Virus 2020" and associated factor "Pandemic");
- (d) consider whether a warning is enough of a deterrent or whether a Future CAN or Field CAN is appropriate.

WHAT IF THE PERSON FAILS TO COMPLY EVEN AFTER I HAVE WARNED THEM?

There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister's Direction. Nevertheless, you may have no other option but to arrest under s 99 of LEPR. This should be a last resort (particularly since the person may pose a health risk to you and others if the person is taken into custody). You should seek legal advice prior to doing so, where practicable.

WHAT IS THE OFFENCE FOR BREACHING THE HEALTH MINISTER'S DIRECTION?

The offence is 'not comply with Ministerial Direction' under s 10 of the *Public Health Act*. The offence code is 77224. Currently you can only issue a Court Attendance Notice (CAN) for this offence. We will notify you if Criminal Infringement Notices (CINs) become available.

The maximum penalty for an individual is 6 months imprisonment and/or \$11,000 fine, plus \$5,500 per day the offence continues.

For a corporation, the maximum penalty is a fine of \$55,000, plus \$27,500 per day the offence continues.

Any police officer can commence proceedings for this offence. You should seek legal advice prior to doing so.

WHAT DO I NEED TO PROVE?

You must prove that the person is subject to the Minister's Quarantine Direction, has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

A person does not breach this Direction to quarantine if the person leaves the premises:

- (a) to obtain medical care or medical supplies, or
- (b) because of an emergency, or
- (c) in circumstances where the person can avoid close contact with other persons (to be read in conjunction with the *NSW Health Self Isolation Guidelines*) - <https://www.health.nsw.gov.au/Infectious/diseases/Pages/coronavirus-travellers.aspx>.

It is important to report all incidents and interactions with persons who have allegedly contravened the Health Minister's Direction to the POC (9215 3102 / Enet 23102) or State Coordinator (9265 4408 / Enet 54408). NSW Health can issue Public Health Orders (including detention conditions at a hospital or other place) for persons who have or are likely to have COVID-19, and who are behaving in a manner which may pose a risk to the public.

STAY SAFE

The best way to protect yourself is the same as you would against any respiratory infection. Practice good hygiene by:

! Making sure to clean your hands thoroughly for at least 20 seconds with soap and water, or an alcohol-based hand rub;

! Covering your nose and mouth when coughing and sneezing with a tissue or a flexed elbow;

! Avoiding close contact with anyone with cold or flu-like symptoms (where possible).

For more information visit the "Coronavirus" page on the Intranet.

PRIVACY

While your duties may require you to disclose personal health information about a person to keep the community safe, remember to always be respectful about the person's privacy, and to disclose only as much information as reasonably necessary in the circumstances.

IF IN DOUBT, ASK!

If you are unsure about any of your powers with regards to COVID-19, consult your chain of command.



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The Health Minister directs that from 17 March 2020 a person who arrives in NSW and who has, within 14 days immediately before that arrival, been in a country other than Australia, must travel to premises suitable for quarantine, and except in exceptional circumstances, remain in those premises for 14 days.

This Direction expires on 15 June 2020, unless a State of Emergency is called.

A person does not breach this Direction to quarantine if the person leaves the premises:

- (a) to obtain medical care or medical supplies, or
- (b) because of an emergency, or
- (c) in circumstances where the person can avoid close contact with other persons (to be read in conjunction with the *NSW Health Self Isolation Guidelines*) - <https://www.health.nsw.gov.au/Infectious/diseases/Pages/coronavirus-travellers.aspx>.

HOW DO I RESPOND TO AN ALLEGED BREACH OF THE HEALTH MINISTER'S QUARANTINE DIRECTION?

Each situation needs to be assessed on its own merits. If in doubt, ask your Supervisor or seek legal advice.

You may direct a person to provide their name and address (s 112 *Public Health Act*) if the person is suspected to have contravened a Ministerial Direction. Police must still comply with the LEPRA safeguards when exercising this power. If a person refuses to provide their name and address, as a matter of practicality, you may need to use your power of arrest under LEPRA s99(1)(b)(iii) to establish identity. However, consider your own safety before proceeding.

A common response to a breach of the Incoming Traveller Quarantine Direction may be:

- (a) while maintaining a safe distance from the person, provide a copy of the SEOCON's letter explaining the self-isolation requirements.
- (b) **warn** the person that they are breaching the Minister's Direction and committing a criminal offence, and seek their compliance.
- (c) the POC is obtaining resources to verify persons' traveller status.
- (d) if the offence **continues** after you have provided a warning (and reasonable time to respond), consider issuing a PIN in the normal manner.
- (e) put a COPS Event on the system including the action you have taken (use COPS incident category "Miscellaneous", sub-category "Other Miscellaneous Offence", operation name "Corona Virus 2020" and associated factor "Pandemic").
- (f) a CAN may be an appropriate response in some circumstances. However, notify the **POC during business hours (9215 3102 / E/net 23102) or the State Coordinator after-hours (9265 4408 / E/net 54408)** and seek legal advice before proceeding.



- (g) There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister's Direction. Nevertheless, you may have no other option but to arrest under s 99 of LEPRA. This should be a last resort (particularly since the person may pose a health risk to you and others if taken into custody).

STOP: A CAN should NOT be issued without first advising the Police Operation Centre or State Coordinator.

OFFENCES AND PENALTIES

Police officers are now authorised to issue a PIN for offences under the *Public Health Act* or issue a CAN.

PENALTY NOTICE	SDRO Offence Code	On the Spot Fine
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	95638	\$1,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,000/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

WHAT DO I NEED TO PROVE?

You must prove that the person is subject to the Minister's Quarantine Direction, has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

PRIVACY

Respect the privacy of a person's health status. Disclose information as reasonably necessary in the circumstances.

IF IN DOUBT, ASK!

If you are unsure about any of your CV19 powers consult your chain of command.

STAY SAFE

See the "Coronavirus" page on the Intranet to best protect yourself from COVID-19.



Message from NSW State Emergency Operations Controller

Novel Corona Virus (COVID-19)

To the householder,

The NSW Minister for Health, Brad Hazzard MP, has issued the *Public Health (COVID-19 Quarantine) Order 2020* under section 7 of the NSW *Public Health Act 2010*. The Order directs that a person who arrives in NSW and who has been in another country within 14 days before arrival, must isolate themselves for a quarantine period of 14 days.

NSW is supporting the Commonwealth Government in implementing measures to contain the spread of COVID-19 in Australia. This includes requiring self-isolation by all entrants to NSW, including returning travellers, international visitors and confirmed COVID-19 cases and 'close contacts' of confirmed COVID-19 cases.

Under the *Public Health Act 2010* the NSW Police Force has powers to support this public health initiative. It is an offence for a person to fail to comply with the Health Minister's *Public Health (COVID-19 Quarantine) Order 2020* (\$11,000 and/or 6 months imprisonment). The NSW Police Force will continue to work closely with NSW Health and other state and Commonwealth agencies to minimise health risks to the wider community.

Self-isolation is crucial to slow the spread of COVID-19. This is a powerful way to protect your family, friends and others in the community. Self-isolation combined with good hygiene measures (such as regular hand washing and coughing into your flexed elbow) slows the spread of the virus which is highly contagious. This helps protect the most vulnerable members of the community, some of whom will become very sick and die from their infections, and reduces the impact of the pandemic on essential, life-saving health services.

While in self-isolation you should monitor yourself for COVID-19 symptoms. If symptoms develop, report them to healthdirect on 1800 022 222 or, if it is an emergency, call an Ambulance and tell them you are in home-isolation.

Under the *Public Health (COVID-19 Quarantine) Order 2020*, it is vitally important that persons in self-isolation do not leave their home during the 14-day quarantine period except to obtain medical care or supplies or because of an emergency. This means you must not go food or other shopping; you must not go to work; you must not go to school/child-care/university; you must not go to the gym or public areas. You can go on your balcony or in your garden.

If you need help with obtaining food and essential supplies, call the National Coronavirus Health Information Line on 1800 020 080 for referral to the most appropriate service.

If you share your home with others, as much as possible:

- Separate yourself from other people in the home and use a separate bathroom, if available
- Wear a surgical mask when you are in the same room as another person
- Avoid shared or communal areas and wear a surgical mask when moving through these areas
- Do not share a room with the elderly or people with other health conditions
- People who do not have an essential need to be in the home should not visit while you are in isolation.

Staying at home means you:

- **DO NOT go to public places such as shopping centres, work, school, childcare or university**
- **Ask someone to get food and other necessities for you and leave them at your front door**
- **DO NOT let visitors in — only people who usually live with you should be in your home**

Thank you for your support and community cooperation in these unprecedented times. More guidance in relation to isolation is available at <https://www.health.nsw.gov.au/Infectious/diseases/Documents/covid-19-self-isolation-guidelines.pdf>

State Emergency Operations Controller
NSW Police Force Deputy Commissioner Gary Worboys APM
18 March 2020

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This Direction expires on 15 June 2020, unless a State of Emergency is called.

A person does not breach this Direction to quarantine if the person leaves the premises:

- (a) to obtain medical care or medical supplies, or
- (b) because of an emergency, or
- (c) in circumstances where the person can avoid close contact with other persons (to be read in conjunction with the *NSW Health Self Isolation Guidelines*) - <https://www.health.nsw.gov.au/Infectious/diseases/Pages/coronavirus-travellers.aspx>.

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Each situation needs to be assessed on its own merits. If in doubt, ask your Supervisor or seek legal advice.

The NSW Police Liaison Unit of Australian Border Force can assist police with quick telephone advice to establish if someone has recently entered the country and should be in isolation.

Between 9am & 4pm Mon to Fri, contact Senior Border Force Officers at the NSW Police Liaison Unit. Nahida Sultana T: 8835 7804 - E/N 27804 | Alicia Cuento T: 8835 7803 - E/N 27803.

After hours, contact Immigration Status Service Field and Removals Operations / Enforcement Command Border Operations Group / Australian Border Force.
T: 1800 558 414 | F: 1800 709 505 | E: iss@abf.gov.au

You may direct a person to provide their name and address (s 112 *Public Health Act*) if the person is suspected to have contravened a Ministerial Direction. Police must still comply with the LEPRA safeguards when exercising this power. If a person refuses to provide their name and address, as a matter of practicality, you may need to use your power of arrest under LEPRA s99(1)(b)(iii) to establish identity and issue CAN. However, consider your own safety before proceeding.

A common response to a breach of the Incoming Traveller Quarantine Direction may be:

- (a) while maintaining a safe distance from the person, provide a copy of the SEOCON's letter explaining the self-isolation requirements.
- (b) **warn** the person that they are breaching the Minister's Direction and committing a criminal offence, and seek their compliance.
- (c) verify the person's traveller status through the contact numbers above.
- (d) if the offence **continues** after you have provided a warning (and reasonable time to respond), consider issuing a PIN in the normal manner.

- (e) put a COPS Event on the system including the action you have taken (use COPS incident category “Miscellaneous”, sub-category “Public Health Act”, operation name “Corona Virus 2020” and associated factor “Pandemic”).
- (f) a CAN may be an appropriate response in some circumstances. However, notify the **POC during business hours (9215 3029 / E/net 23029) or the State Coordinator after-hours (9265 4408 / E/net 54408)** and seek legal advice before proceeding.
- (g) There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister’s Direction. Nevertheless, you may have no other option but to arrest under s 99 of LEPRA. This should be a last resort.

STOP: A CAN should NOT be issued without first advising the Police Operation Centre or State Coordinator.

OFFENCES AND PENALTIES

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COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,000/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

WHAT DO I NEED TO PROVE?

You must prove that the person is subject to the Minister’s Quarantine Direction, has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

PRIVACY

Respect the privacy of a person’s health status. Disclose information as reasonably necessary in the circumstances.

**IF IN DOUBT,
ASK!**

If you are unsure about any of your CV19 powers consult your chain of command.

STAY SAFE

See the “Coronavirus” page on the Intranet to best protect yourself from COVID-19.



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NSW is supporting the Commonwealth Government in implementing measures to contain the spread of COVID-19 in Australia. This includes requiring self-isolation by all entrants to NSW, including returning travellers, international visitors and confirmed COVID-19 cases and 'close contacts' of confirmed COVID-19 cases.

Under the *Public Health Act 2010* the NSW Police Force has powers to support this public health initiative. It is an offence for a person to fail to comply with the Health Minister's *Public Health (COVID-19 Quarantine) Order 2020* (\$11,000 and/or 6 months imprisonment). The NSW Police Force will continue to work closely with NSW Health and other state and Commonwealth agencies to minimise health risks to the wider community.

Self-isolation is crucial to slow the spread of COVID-19. This is a powerful way to protect your family, friends and others in the community. Self-isolation combined with good hygiene measures (such as regular hand washing and coughing into your flexed elbow) slows the spread of the virus which is highly contagious. This helps protect the most vulnerable members of the community, some of whom will become very sick and die from their infections, and reduces the impact of the pandemic on essential, life-saving health services.

While in self-isolation you should monitor yourself for COVID-19 symptoms. If symptoms develop, report them to healthdirect on 1800 022 222 or, if it is an emergency, call an Ambulance and tell them you are in home-isolation.

Under the *Public Health (COVID-19 Quarantine) Order 2020*, it is vitally important that persons in self-isolation do not leave their home during the 14-day quarantine period except to obtain medical care or supplies or because of an emergency. This means you must not go food or other shopping; you must not go to work; you must not go to school/child-care/university; you must not go to the gym or public areas. You can go on your balcony or in your garden.

If you need help with obtaining food and essential supplies, call the National Coronavirus Health Information Line on 1800 020 080 for referral to the most appropriate service.

If you share your home with others, as much as possible:

- Separate yourself from other people in the home and use a separate bathroom, if available
- Wear a surgical mask when you are in the same room as another person
- Avoid shared or communal areas and wear a surgical mask when moving through these areas
- Do not share a room with the elderly or people with other health conditions
- People who do not have an essential need to be in the home should not visit while you are in isolation.

Staying at home means you:

- **DO NOT go to public places such as shopping centres, work, school, childcare or university**
- **Ask someone to get food and other necessities for you and leave them at your front door**
- **DO NOT let visitors in — only people who usually live with you should be in your home**

Thank you for your support and community cooperation in these unprecedented times. More guidance in relation to isolation is available at <https://www.health.nsw.gov.au/Infectious/diseases/Documents/covid-19-self-isolation-guidelines.pdf>

State Emergency Operations Controller
NSW Police Force Deputy Commissioner Gary Worboys APM
18 March 2020

Health Minister's COVID-19 Mass Gatherings Direction

Public Health Act 2010 (NSW)

FACT SHEET FOR NSW POLICE



The Health Minister has issued a further Direction under s 7 of the *Public Health Act*. The purpose of this direction is to prohibit non-essential mass gatherings to limit the spread of COVID-19.

The Health Minister directs that from 18 March 2020, a person must not:

- (a) allow a mass gathering to occur on NSW premises if the person is the occupier or owner of the premises, or
- (b) organise a mass gathering on premises in NSW, or
- (c) attend a mass gathering on premises in NSW.

This Direction expires on 16 June 2020, or if a State of Emergency is called.

WHAT IS A MASS GATHERING?

A mass gathering is a gathering of:

- 500 or more people in a single undivided **outdoor** space at the same time, or
- 100 or more people in a single undivided **indoor** space at the same time.

Exemptions (noting more can be added):

- Public transport – e.g. trains, trams, ferries, planes, platforms, stations and airports
- Supermarkets, food markets, shops, shopping centres
- Schools, educational institutions or child care facilities but not community events at these places (e.g. a school fete is not allowed)
- Transiting through open spaces e.g. walking through Pitt Street Mall
- Office buildings, factories, mining or construction sites
- The provision of emergency services
- Hospital and health care services, disability and aged care facilities
- Correctional facilities
- Courts and tribunals
- Parliament
- Accommodation facilities e.g. hotels and motels

HOW DO I RESPOND TO AN ALLEGED BREACH OF THE HEALTH MINISTER'S MASS GATHERINGS DIRECTION?

Each situation must be assessed on its own merit, however, the vast majority of situations should be de-escalated through effective **communication** and seeking **the cooperation** of the public.

If you receive information that a mass gathering is being planned contrary to the Health Minister's Direction, you should notify your Supervisor immediately. Steps should be taken to warn the organiser/s that they may be committing an offence should the event proceed. You should also seek legal advice as you may be able to utilise other powers (e.g. Public Safety Orders under Part 6B of LEPRA may be appropriate in certain circumstances).

You must NOT commence any legal proceedings without notifying the POC.

If you receive information that a mass gathering is currently occurring in contravention of the Health Minister's Direction, you should notify your Supervisor immediately. The appropriate response will depend on the size and nature of the gathering. If in doubt, seek legal advice. A common response may be:

- (a) **Explain** the Minister's Direction to the event organiser or premises owner or occupier and **warn** them that they are breaching the Minister's Direction and committing a criminal offence, and seek their compliance;
- (b) put a COPS Event on the system and notify the breach to the **Police Operation Centre (POC) during business hours or the State Coordinator after-hours**, including the action you have taken (use COPS incident category "Miscellaneous", sub-category "Other Miscellaneous Offence", operation name "Corona Virus 2020" and associated factor "Pandemic");
- (c) consider whether a warning is enough of a deterrent or whether a Future CAN or Field CAN is required. Commencing proceedings should only be used as a last resort and after consulting with the Police Operation Centre or State Coordinator.

STOP: Proceedings must NOT be commenced without first advising the Police Operation Centre or State Coordinator

WHAT IS THE OFFENCE FOR BREACHING THE HEALTH MINISTER'S DIRECTION?

The offence is 'not comply with Ministerial Direction' under s 10 of the *Public Health Act*. The offence code is 77224. Currently you can only issue a Court Attendance Notice (CAN) for this offence. We will notify you if Criminal Infringement Notices (CINs) become available.

The maximum penalty for an individual is 6 months imprisonment and/or \$11,000 fine, plus \$5,500 per day the offence continues.

For a corporation, the maximum penalty is a fine of \$55,000, plus \$27,500 per day the offence continues.

There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister's Direction. Nevertheless, you may have no other option but to arrest under s 99 of LEPPRA. This should be a last resort. You should seek legal advice prior to doing so, and remember to also advise the Police Operation Centre or State Coordinator.

WHAT DO I NEED TO PROVE?

You must prove that the person is subject to the Minister's Mass Gatherings Direction, has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

DON'T FORGET TO CONTACT THE POC:

You must report all incidents and interactions with persons who have allegedly contravened the Health Minister's Direction to the POC (9215 3102 / Enet 23102) or the State Coordinator (9265 4408 / Enet 54408).

PRIVACY

While your duties may require you to disclose personal health information about a person to keep the community safe, remember to always be respectful about the person's privacy, and to disclose only as much information as reasonably necessary in the circumstances.

IF IN DOUBT, ASK!

If you are unsure about any of your powers with regards to COVID-19, consult your chain of command.

STAY SAFE

Consult the "Coronavirus" page on the Intranet for details on how to best protect yourself from COVID-19.

Health Minister's COVID-19 Mass Gatherings Direction

Public Health Act 2010 (NSW)

FACT SHEET FOR NSW POLICE



The Health Minister has issued a further Direction under s 7 of the *Public Health Act*. This Direction replaces the Direction explained in COVID-19 Fact Sheet Issue 2 (blue colour). The purpose of this new Direction is to require premises to facilitate 4 square metres of social distancing for patrons as well as prohibiting non-essential mass gatherings to limit the spread of COVID-19.

The Health Minister directs that from 21 March 2020, a person must:

- (a) if the person is an occupier or owner of premises, not allow a mass gathering to occur on NSW premises, or
- (b) if the person is an occupier or owner of premises, ensure that there is 4 square metres of space for each person on the premises to facilitate social distancing, or
- (c) not organise a mass gathering on premises in NSW, or
- (d) not attend a mass gathering on premises in NSW.

This Direction expires on 18 June 2020, or if a State of Emergency is called.

WHAT IS A MASS GATHERING? HOW DO I APPLY 4 SQUARE METRES/PERSON?

A mass gathering is a gathering of:

- 500 or more people in a single undivided **outdoor** space at the same time, or
- 100 or more people in a single undivided **indoor** space at the same time.

Social Distancing: A room 10m x 10m can be occupied by up to 25 patrons to allow 4 square metres per person for social distancing. A room 5m x 5m can hold up to 6 persons.

Exemptions (noting more can be added):

- A person's residence
- Public transport – e.g. trains, trams, ferries, planes, platforms, stations and airports
- Supermarkets, food markets, shops, shopping centres for normal business
- Schools, educational institutions or child care facilities but not community events at these places (e.g. a school fete is not allowed)
- Transiting through open spaces e.g. walking through Pitt Street Mall
- Office buildings, factories, mining or construction sites for normal business
- The provision of emergency services
- Hospital and health care services, disability and aged care facilities
- Correctional facilities, youth justice centre
- Courts and tribunals and Parliament for normal operations
- Accommodation facilities e.g. hotels and motels

HOW DO I RESPOND TO AN ALLEGED BREACH OF THE HEALTH MINISTER'S MASS GATHERINGS DIRECTION?

Each situation must be assessed on its own merit, however, the vast majority of situations should be de-escalated through effective **communication** and seeking **the cooperation** of the public. If you receive information that a mass gathering is being planned contrary to the Health Minister's Direction, you should notify your Supervisor immediately. Steps should be taken to warn the organiser/s that they may be committing an offence should the event proceed. You should also seek legal advice as you may be able to other powers (e.g. Public Safety Orders under Part 6B may be appropriate in certain circumstances).

You must NOT commence any legal proceedings without notifying the POC.

If you receive information that a mass gathering is currently occurring in contravention of the Health Minister's Direction, you should notify your Supervisor immediately. The appropriate response will depend on the size and nature of the gathering. If in doubt, seek legal advice. A common response may be:

- (a) **Explain** the Minister's Direction to the event organiser or premises owner or occupier and **warn** them that they are breaching the Minister's Direction and committing a criminal offence, and seek their compliance;
- (b) put a COPS Event on the system and notify the breach to the **Police Operation Centre (POC) during business hours or the State Coordinator after-hours**, including the action you have taken (use COPS incident category "Miscellaneous", sub-category "Other Miscellaneous Offence", operation name "Corona Virus 2020" and associated factor "Pandemic");
- (c) consider whether a warning is enough of a deterrent or whether a Future CAN or Field CAN is required. Commencing proceedings should only be used as a last resort and after consulting with the Police Operation Centre or State Coordinator.

STOP: Proceedings must NOT be commenced without first advising the Police Operation Centre or State Coordinator.

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Individual	Max. 6 months imprisonment and/or \$11,000 fine. \$5,000/day offence continues
Corporation	Max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister's Direction. Nevertheless, you may have no other option but to arrest under s 99 of LEPR. This should be a last resort. You should seek legal advice prior to doing so, and remember to also advise the Police Operation Centre or State Coordinator.

WHAT DO I NEED TO PROVE?

You must prove that the person is subject to the Minister's Mass Gatherings Direction, has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

You must report all incidents and interactions with persons who have allegedly contravened the Health Minister's Direction to the POC (9215 3102 / Enet 23102) or the State Coordinator (9265 4408 / Enet 54408).

PRIVACY

While your duties may require you to disclose personal health information about a person to keep the community safe, remember to always be respectful about the person's privacy, and to disclose only as much information as reasonably necessary in the circumstances.

IF IN DOUBT, ASK!

If you are unsure about any of your powers with regards to COVID-19, consult your chain of command.

STAY SAFE

Consult the "Coronavirus" page on the Intranet for details on how to best protect yourself from COVID-19.

Health Minister's COVID-19 Mass Gatherings Direction

Public Health Act 2010 (NSW)



FACT SHEET FOR NSW POLICE

The Health Minister has issued a Direction under s 7 of the *Public Health Act* to require premises to facilitate 4 square metres of social distancing for patrons as well as prohibiting non-essential mass gatherings to limit the spread of COVID-19.

The Health Minister directs that a person must:

- (a) if the person is an occupier or owner of premises, not allow a mass gathering to occur on the premises,
- (b) if the person is an occupier or owner of premises, ensure that there is 4 square metres of space for each person on the premises to facilitate social distancing, or
- (c) not organise a mass gathering on premises in NSW, or
- (d) not attend a mass gathering on premises in NSW.

This Direction expires on 23 June 2020, or if a State of Emergency is called.

WHAT IS A MASS GATHERING? HOW DO I MEASURE 4 SQUARE METRES?

A mass gathering is a gathering of:

- 500 or more people in a single undivided **outdoor** space at the same time, or
- 100 or more people in a single undivided **indoor** space at the same time.

Social Distancing: A room 10m x 10m can be occupied by up to 25 patrons to allow 4 square metres per person for social distancing. A room 5m x 5m can hold up to 6 persons.

Exemptions (noting more can be added):

- A person's residence
- Public transport – e.g. trains, trams, ferries, planes, platforms, stations and airports
- Supermarkets, food markets, grocery stores and shopping centres (but not a retail store in a shopping centre) for normal business
- Retail stores including in a shopping centre **must abide by the 4m social distancing rule.**
- Schools, educational institutions or childcare facilities but not community events at these places (e.g. a school fete is not allowed)
- Transiting through open spaces e.g. walking through Pitt Street Mall
- Office buildings, factories, farms, mining or construction sites for normal business
- The provision of emergency services
- Hospital and health care services, disability and aged care facilities
- Correctional facilities, youth justice centre
- Courts and tribunals and Parliament for normal operations
- Accommodation facilities e.g. hotels and motels

HOW DO I RESPOND TO AN ALLEGED BREACH OF THE HEALTH MINISTER'S MASS GATHERINGS DIRECTION?

If you receive information that a gathering is occurring in contravention of the Health Minister's Direction, you should notify your Supervisor immediately. The appropriate response will depend on the size and nature of the gathering. If in doubt, seek legal advice.

You may direct a person to provide their name and address (s 112 *Public Health Act*) if the person is suspected to have contravened a Ministerial Direction. Police must still comply with the LEPRA safeguards when exercising this power. If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under LEPRA s99(1)(b)(iii) to establish identity. However, consider your own safety before proceeding.

A common response may be:

- (a) **Explain** the Minister’s Direction to the event organiser or premises owner/occupier and **warn** them that they are breaching the Minister’s Direction and committing a criminal offence. Seek their cooperation and compliance.
- (b) If the offence **continues** after you have provided a warning (and reasonable time to respond), consider issuing a PIN in the normal manner.
- (c) Put a COPS Event on the system including the action you have taken (use COPS incident category “Miscellaneous”, sub-category “Other Miscellaneous Offence”, operation name “Corona Virus 2020” and associated factor “Pandemic”).
- (d) A CAN may be an appropriate response in some circumstances. However, notify the **POC during business hours (9215 3102 / E/net 23102) or the State Coordinator after-hours (9265 4408 / E/net 54408)** and seek legal advice before proceeding.
- (e) There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister’s Direction. Nevertheless, you may have no other option but to arrest under s 99 of LEPRA. This should be a last resort.

STOP: A CAN should NOT be issued without first advising the POC or State Coordinator.

OFFENCES AND PENALTIES

Police officers can issue a PIN or issue a CAN. You must prove that the person is subject to the Minister’s Mass Gatherings Direction, has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

PENALTY NOTICE	SDRO Offence Code	On the Spot Fine
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	895638	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,000/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

PRIVACY

**IF IN DOUBT,
ASK!**

STAY SAFE

Health Minister's COVID-19 Mass Gatherings Direction

Public Health Act 2010 (NSW)

FACT SHEET FOR NSW POLICE



The Health Minister has issued a Direction under s 7 of the *Public Health Act* to require premises to facilitate 4 square metres of social distancing for patrons as well as prohibiting non-essential mass gatherings to limit the spread of COVID-19.

The Health Minister directs that a person must:

- (a) if the person is an occupier or owner of premises, not allow a mass gathering to occur on the premises,
- (b) if the person is an occupier or owner of premises, ensure that there is 4 square metres of space for each person on the premises to facilitate social distancing, or
- (c) not organise a mass gathering on premises in NSW, or
- (d) not attend a mass gathering on premises in NSW.

This Direction expires on 23 June 2020, or if a State of Emergency is called.

WHAT IS A MASS GATHERING? HOW DO I MEASURE 4 SQUARE METRES?

A mass gathering is a gathering of:

- 500 or more people in a single undivided **outdoor** space at the same time, or
- 100 or more people in a single undivided **indoor** space at the same time.

Social Distancing: A room 10m x 10m can be occupied by up to 25 patrons to allow 4 square metres per person for social distancing. A room 5m x 5m can hold up to 6 persons.

Exemptions (noting more can be added):

- A person's residence
- Public transport – e.g. trains, trams, ferries, planes, platforms, stations and airports
- Supermarkets, food markets, grocery stores and shopping centres (but not a retail store in a shopping centre) for normal business
- Retail stores including in a shopping centre **must abide by the 4 square metres social distancing rule.**
- Schools, educational institutions or childcare facilities but not community events at these places (e.g. a school fete is not allowed)
- Transiting through open spaces e.g. walking through Pitt Street Mall
- Office buildings, factories, farms, mining or construction sites for normal business
- The provision of emergency services
- Hospital and health care services, disability and aged care facilities
- Correctional facilities, youth justice centre
- Courts and tribunals and Parliament for normal operations
- Accommodation facilities e.g. hotels and motels

HOW DO I RESPOND TO AN ALLEGED BREACH OF THE HEALTH MINISTER'S MASS GATHERINGS DIRECTION?

If you receive information that a gathering is occurring in contravention of the Health Minister's Direction, you should notify your Supervisor immediately. The appropriate response will depend on the size and nature of the gathering. If in doubt, seek legal advice.

You may direct a person to provide their name and address (s 112 *Public Health Act*) if the person is suspected to have contravened a Ministerial Direction. Police must still comply with the LEPRA safeguards when exercising this power. If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under LEPRA s99(1)(b)(iii) to establish identity and issue a CAN. However, consider your own safety before proceeding.

A common response may be:

- (a) **Explain** the Minister’s Direction to the event organiser or premises owner/occupier and **warn** them that they are breaching the Minister’s Direction and committing a criminal offence. Seek their cooperation and compliance.
- (b) If the offence **continues** after you have provided a warning (and reasonable time to respond), consider issuing a PIN in the normal manner.
- (c) Put a COPS Event on the system including the action you have taken (use COPS incident category “Miscellaneous”, sub-category “Public Health Act”, operation name “Corona Virus 2020” and associated factor “Pandemic”).
- (d) A CAN may be an appropriate response in some circumstances. However, notify the **POC during business hours (9215 3029 / E/net 23029) or the State Coordinator after-hours (9265 4408 / E/net 54408)** and seek legal advice before proceeding.
- (e) There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister’s Direction. Nevertheless, you may have no other option but to arrest under s 99 of LEPRA. This should be a last resort.

STOP: A CAN should NOT be issued without first advising the POC or State Coordinator.

OFFENCES AND PENALTIES

Police officers can issue a PIN or issue a CAN. You must prove that the person is subject to the Minister’s Mass Gatherings Direction, has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

PENALTY NOTICE	Offence Code	On the Spot Fine
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	895638	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,000/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

PRIVACY

**IF IN DOUBT,
ASK!**

STAY SAFE

Health Minister's COVID-19

Restrictions on Gathering & Movement Direction



Public Health Act 2010 (NSW)

FACT SHEET FOR NSW POLICE

Most NSW citizens are doing the right thing to prevent the spread of COVID-19.

You should not stop and question people who appear to be going about their business alone, in groups of 2 or as family units. You should not stop vehicles just to check occupants' compliance with these Directions.

A measured and proportionate response is expected, and you should exercise your discretion where appropriate. Police are expected to educate, assist and protect the public.

The Health Minister has issued Directions under s 7 of the *Public Health Act* directing that a person must not to leave their place of residence without reasonable excuse - the **Stay at Home Rule**.

If a person has a reasonable excuse to leave their residence, they must comply with the **2 Person Gathering Rule**.

These Directions expire on 29 June 2020.

WHAT IS A REASONABLE EXCUSE FOR A PERSON TO LEAVE THEIR HOME?

A reasonable excuse includes:

- (a) shopping for food or other goods or services for personal needs of the household or other household purposes (including for pets) and for vulnerable persons;
- (b) travelling to work provided the person cannot reasonably work from home (including pick up and drop off by another person);
- (c) travelling to childcare or education (including pick up and drop off by another person);
- (d) exercising;
- (e) obtaining medical care or supplies, fulfilling carer's responsibilities, providing personal care to a vulnerable person, or providing emergency assistance;
- (f) attending a wedding or funeral service (5 and 10 person rules apply);
- (g) moving house or moving between different places of residence of a person or inspecting a potential new place of residence;
- (h) donating blood;
- (i) fulfilling a legal obligation (attending court, satisfying bail requirements, visiting your solicitor);
- (j) accessing public services, including social services, employment services, DV services, mental health services etc;
- (k) access visits for children to parents in different homes;
- (l) escaping risk of harm (eg DV) or assisting a person to escape risk of harm;
- (m) emergencies or compassionate reasons.

Taking a holiday in a regional area is not a reasonable excuse!

This Direction DOES NOT apply to a person who is homeless.

**GATHERING IN PUBLIC PLACES
(2 PERSON GATHERING RULE)**

If a person has a reasonable excuse for being away from home, they must not participate in a gathering in a public place with more than 2 people (except if they are with other members of their household).

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

The following gatherings are **exempt** from the 2 Person Rule:

Exempt	Exempt (where used for normal purposes)
Gatherings with a person's household (family or flatmates)	Residential premises are not public places
Work	Transport in private vehicles, car share, public transport, platforms, stations
Care/assistance for vulnerable persons	Hospitals, health care, disability & aged care
Weddings (5 persons) or funerals (10 persons)	Correctional facilities, youth justice
Moving house or business	Supermarkets, food markets, grocery stores and shopping centres
Providing emergency assistance to a person	Retail stores (4 sqm rule applies)
Emergency services	Schools, universities, educational facilities, childcare
Going to court or getting legal advice	Office buildings, factories, mines, farms, construction sites
Parliament where used for normal purposes	Hotels, motels, other accommodation facilities
	Outdoor thoroughfares (eg Pitt St Mall)

HOW TO RESPOND TO AN ALLEGED BREACH?

The appropriate response will depend on your reasonable assessment of why a person has left home, and/or the size and nature of any gathering. A measured and proportionate response is expected and you should exercise your discretion where appropriate. Police are expected to educate, assist and protect the public. If in doubt, seek legal advice.

You may direct a person to provide their name and address (s 112 *Public Health Act*) if the person is suspected to have contravened a Ministerial Direction. Police must still comply with the LEPRSA safeguards when exercising this power. If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under LEPRSA s99(1)(b)(iii) to establish identity and issue a CAN. However, consider your own safety before proceeding.

A common response to an alleged breach of the Ministerial Direction may be:

- (a) **Explain** the importance of the restrictions on leaving home and social gatherings. Seek their cooperation and compliance.
- (b) **Warn** them that they are breaching the Health Minister's Directions and committing a criminal offence.
- (c) If the offence **continues** after you have provided a warning (and reasonable time to respond), consider issuing a PIN in the normal manner.
- (d) Put a COPS Event on the system including the action you have taken (use COPS incident category "Miscellaneous", sub-category "Public Health Act", operation name "Corona Virus 2020" and associated factor "Pandemic").
- (e) A CAN may be an appropriate response in some circumstances. However, notify the **POC during business hours (9215 3029 / E/net 23029) or the State Coordinator after-hours (9265 4408 / E/net 54408)** and seek legal advice before proceeding.



- (f) There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister's Direction. Nevertheless, you may have no other option but to arrest under s 99 of LEPRA. This should be a last resort.

STOP: A CAN should NOT be issued without first advising the POC or State Coordinator.

This Fact Sheet does not replace a person's responsibility to comply with the Health Minister's Incoming Traveller Quarantine Direction (Issue 1), Closure & Restricted Activities Direction (Issue 4), Diagnosed Person Self Isolation Direction (Issue 5) or Air Transportation Quarantine Direction (Issue 7).

OFFENCES AND PENALTIES

Police officers can issue a Penalty Notice or issue a CAN. You must prove that the person has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

PENALTY NOTICE	Offence Code	On the Spot Fine
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	895638	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

PRIVACY

**IF IN DOUBT,
ASK!**

STAY SAFE

**Common Scenarios for the
'Stay at Home' and '2 Person Gathering' Rules**

SITUATION	STANDARD RESPONSE
House Party	<p>You have no general right of entry to a private residence to enforce the Health Minister's Direction.</p> <p>If you receive a complaint of a large gathering on private premises, you should speak with the owner/occupier and remind them of their obligations.</p> <p>If the party has or is producing offensive noise, consider issuing a Noise Abatement Direction under s 276 of the <i>Protection of the Environment Operations Act 1997</i>.</p> <p>The 2 Person Rule does not apply to private premises, so you can only rely on the 'Not Leave Home' Direction.</p> <p>An owner/occupier is not criminally liable under the <i>Public Health Act</i> for hosting or permitting a gathering to occur on their premises, however any attendee who is not a household member may be in breach of the "Stay at Home Direction".</p> <p>If you are lawfully on premises (e.g. by invitation from the owner/occupier/person apparently in charge), you may use your power under s 112 of the <i>Public Health Act</i> to demand a person's name and address whom you suspect has contravened the "Stay at Home Direction". A person who fails to comply with a direction to give their name/address, or who provides false or misleading name/address information may be arrested and CAN issued.</p>
Picnic in the Park	<p>Having a picnic in the park is not a reasonable excuse to be away from home. If the group exceeds 2 persons (or is a group not from the same household), all persons may be in breach of both the "Stay at Home Rule" and the 2 Person Gathering Rule.</p> <p>Use your discretion appropriately. A family having a sandwich in the park after a walk, for example, would not warrant the same police response as a group of rowdy teenagers eating and socialising in the park.</p>
Getting a Coffee While Out to Get Exercise	<p>There is no issue with persons getting a coffee before, during or after exercise provided they do not breach the 2 Person Gathering Rule or if they are in a family group.</p>
People Travelling in a Vehicle	<p>Car travel with other persons is exempt from the 2 Person Gathering Rule.</p> <p>You should not be stopping or questioning persons travelling in a motor vehicle for the sole purpose of checking why they have left home and/or their intended movements (unless you have reasonable grounds to suspect the person/s are subject to a Quarantine Direction or Public Health Order, or have received information which calls for such action to be taken).</p> <p>This does not affect your powers under the Road Transport legislation.</p> <p>If a large group of persons are using buses or similar large transport vehicles as 'social hubs', there is an expectation police will stop these vehicles and check the purpose for them leaving home.</p>



Groups in Supermarket & Shopping Centres	Supermarkets, retail stores and shopping centres are exempted from the 2 Person Gathering Rule. However, this is only to the extent necessary for the normal operation of those places. A group of teenagers in a shopping centre, who are sitting together in a large group, are not there in a manner that fosters the normal operation of the shopping centre. They should be warned and moved-on. If they refuse consider taking action for a breach of the Health Minister's Direction.
Homeless People Sleeping in Groups	Homeless people are exempt from the Stay at Home Rule. Police are not to separate homeless persons who sleep in groups of more than 2, as this is generally done for their own safety. Police are not to intervene with
	compliance with it.
Soup Kitchens	Police are not to intervene with persons at Soup Kitchens, unless a breach of the peace is occurring or likely to occur. Homeless people are exempt from the Stay at Home Rule. Police should not intervene other than to reinforce the Government's Social Distancing Policy (1.5m) if there appears to be non-compliance with it.

Health Minister's COVID-19

Restrictions on Gathering & Movement Direction



Public Health Act 2010 (NSW)

FACT SHEET FOR NSW POLICE

Most NSW citizens are doing the right thing to prevent the spread of COVID-19.

You should not stop and question people who appear to be going about their business alone, in groups of 2 or as family units. You should not stop vehicles just to check occupants' compliance with these Directions.

A measured and proportionate response is expected, and you should exercise your discretion where appropriate. Police are expected to educate, assist and protect the public.

The Health Minister has issued Directions under s 7 of the *Public Health Act* directing that a person must not to leave their place of residence without reasonable excuse - the **Stay at Home Rule**.

If a person has a reasonable excuse to leave their residence, they must comply with the **2 Person Gathering Rule**.

These Directions expire on 29 June 2020.

WHAT IS A REASONABLE EXCUSE FOR A PERSON TO LEAVE THEIR HOME?

A reasonable excuse includes:

- (a) visiting another person's place of residence (including overnight stays) to provide care or support to that other person, but only if there are **no more than two visitors** (the '**two visitor rule**'). A visitor does **not** include a member of the household being visited, a child of a visitor and under 18 years of age, or any person who otherwise has a reasonable excuse to be in the residence (for example, a person there for work such as a tradesperson);

Note: providing care or support includes providing care or support for the mental, physical or emotional health or well-being of the other person.

- (b) shopping for food or other goods or services for personal needs of the household or other household purposes (including for pets) and for vulnerable persons;
- (c) travelling to work provided the person cannot reasonably work from home (including pick up and drop off by another person);
- (d) travelling to childcare or education (including pick up and drop off by another person);
- (e) exercising;
- (f) obtaining medical care or supplies, fulfilling carer's responsibilities, providing personal care to a vulnerable person, or providing emergency assistance;
- (g) attending a wedding or funeral service (5 and 10 person rules apply);
- (h) moving house or moving between different places of residence of a person or inspecting a potential new place of residence;
- (i) donating blood;
- (j) fulfilling a legal obligation (attending court, satisfying bail requirements, visiting your solicitor);

- (k) accessing public services, including social services, employment services, DV services, mental health services etc;
- (l) access visits for children to parents in different homes;
- (m) escaping risk of harm (e.g. DV) or assisting a person to escape risk of harm;
- (n) emergencies or compassionate reasons.

*Note: Taking a holiday in a regional area is **not** a reasonable excuse!*

This Direction DOES NOT apply to a person who is homeless.

**GATHERING IN PUBLIC PLACES
(2 PERSON GATHERING RULE)**

If a person has a reasonable excuse for being away from home, they must not participate in a gathering in a public place with more than 2 people (except if they are with other members of their household).

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

The following gatherings are **exempt** from the 2 Person Rule:

Exempt	Exempt (where used for normal purposes)
Gatherings with a person's household (family or flatmates)	Residential premises are not public places
Work	Transport in private vehicles, car share, public transport, platforms, stations
Care/assistance for vulnerable persons	Hospitals, health care, disability & aged care
Weddings (5 persons) or funerals (10 persons)	Correctional facilities, youth justice
Moving house or business	Supermarkets, food markets, grocery stores and shopping centres
Providing emergency assistance to a person	Retail stores (4 sqm rule applies)
Emergency services	Schools, universities, educational facilities, childcare
Going to court or getting legal advice	Office buildings, factories, mines, farms, construction sites
Parliament where used for normal purposes	Hotels, motels, other accommodation facilities
	Outdoor thoroughfares (eg Pitt St Mall)

HOW TO RESPOND TO AN ALLEGED BREACH?

The appropriate response will depend on your reasonable assessment of why a person has left home, and/or the size and nature of any gathering. A measured and proportionate response is expected and you should exercise your discretion where appropriate. Police are expected to educate, assist and protect the public. If in doubt, seek legal advice.

You may direct a person to provide their name and address (s 112 *Public Health Act*) if the person is suspected to have contravened a Ministerial Direction. Police must still comply with the LEPRSA safeguards when exercising this power. If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under LEPRSA s99(1)(b)(iii) to establish identity and issue a CAN. However, consider your own safety before proceeding.

A common response to an alleged breach of the Ministerial Direction may be:

- (a) **Explain** the importance of the restrictions on leaving home and social gatherings. Seek their cooperation and compliance.
- (b) **Warn** them that they are breaching the Health Minister’s Directions and committing a criminal offence.
- (c) If the offence **continues** after you have provided a warning (and reasonable time to respond), consider issuing a PIN in the normal manner.
- (d) Put a COPS Event on the system including the action you have taken (use COPS incident category “Miscellaneous”, sub-category “Public Health Act”, operation name “Corona Virus 2020” and associated factor “Pandemic”).
- (e) A CAN may be an appropriate response in some circumstances. However, notify the **POC during business hours (9215 3029 / E/net 23029) or the State Coordinator after-hours (9265 4408 / E/net 54408)** and seek legal advice before proceeding.
- (f) There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister’s Direction. Nevertheless, you may have no other option but to arrest under s 99 of LEPR. This should be a last resort.

STOP: A CAN should NOT be issued without first advising the POC or State Coordinator.

This Fact Sheet does not replace a person’s responsibility to comply with the Health Minister’s Incoming Traveller Quarantine Direction (Issue 1), Closure & Restricted Activities Direction (Issue 4), Diagnosed Person Self Isolation Direction (Issue 5) or Air Transportation Quarantine Direction (Issue 7).

OFFENCES AND PENALTIES

Police officers can issue a Penalty Notice or issue a CAN. You must prove that the person has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

PENALTY NOTICE	Offence Code	On the Spot Fine
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	895638	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

PRIVACY

**IF IN DOUBT,
ASK!**

STAY SAFE

**Common Scenarios for the
'Stay at Home' and '2 Person Gathering' Rules**

SITUATION	STANDARD RESPONSE
House Party	<p>You have no general right of entry to a private residence to enforce the Health Minister's Direction.</p> <p>If you receive a complaint of a large gathering on private premises, you should speak with the owner/occupier and remind them of their obligations.</p> <p>If the party has or is producing offensive noise, consider issuing a Noise Abatement Direction under s 276 of the <i>Protection of the Environment Operations Act 1997</i>.</p> <p>The 2 Person Rule does not apply to private premises, so you can only rely on the 'Not Leave Home' Direction.</p> <p>An owner/occupier is not criminally liable under the <i>Public Health Act</i> for hosting or permitting a gathering to occur on their premises, however any attendee who is not a household member may be in breach of the "Stay at Home Direction".</p> <p>If you are lawfully on premises (e.g. by invitation from the owner/occupier/person apparently in charge), you may use your power under s 112 of the <i>Public Health Act</i> to demand a person's name and address whom you suspect has contravened the "Stay at Home Direction". A person who fails to comply with a direction to give their name/address, or who provides false or misleading name/address information may be arrested and CAN issued.</p>
Picnic in the Park	<p>Having a picnic in the park is not a reasonable excuse to be away from home. If the group exceeds 2 persons (or is a group not from the same household), all persons may be in breach of both the "Stay at Home Rule" and the 2 Person Gathering Rule.</p> <p>Use your discretion appropriately. A family having a sandwich in the park after a walk, for example, would not warrant the same police response as a group of rowdy teenagers eating and socialising in the park.</p>
Getting a Coffee While Out to Get Exercise	<p>There is no issue with persons getting a coffee before, during or after exercise provided they do not breach the 2 Person Gathering Rule or if they are in a family group.</p>
People Travelling in a Vehicle	<p>Car travel with other persons is exempt from the 2 Person Gathering Rule.</p> <p>You should not be stopping or questioning persons travelling in a motor vehicle for the sole purpose of checking why they have left home and/or their intended movements (unless you have reasonable grounds to suspect the person/s are subject to a Quarantine Direction or Public Health Order, or have received information which calls for such action to be taken).</p> <p>This does not affect your powers under the Road Transport legislation.</p>



	If a large group of persons are using buses or similar large transport vehicles as 'social hubs', there is an expectation police will stop these vehicles and check the purpose for them leaving home.
Groups in Supermarket & Shopping Centres	Supermarkets, retail stores and shopping centres are exempted from the 2 Person Gathering Rule. However, this is only to the extent necessary for the normal operation of those places. A group of teenagers in a shopping centre, who are sitting together in a large group, are not there in a manner that fosters the normal operation of the shopping centre. They should be warned and moved-on. If they refuse consider taking action for a breach of the Health Minister's Direction.
Homeless People Sleeping in Groups	Homeless people are exempt from the Stay at Home Rule. Police are not to separate homeless persons who sleep in groups of more than 2, as this is generally done for their own safety. Police are not to intervene with homeless people for sleeping or congregating in groups, unless a breach of the peace is occurring or likely to occur.
Persons Queueing at Centrelink Line	Visits to Centrelink (and other social services) are exempt from the Stay at Home Rule. Police should not intervene other than to reinforce the Government's Social Distancing Policy (1.5m) if there appears to be non-compliance with it.
Soup Kitchens	Police are not to intervene with persons at Soup Kitchens, unless a breach of the peace is occurring or likely to occur. Homeless people are exempt from the Stay at Home Rule. Police should not intervene other than to reinforce the Government's Social Distancing Policy (1.5m) if there appears to be non-compliance with it.

**Health Minister's COVID-19
Social Gathering - Closure Direction**

Public Health Act 2010 (NSW)



FACT SHEET FOR NSW POLICE

The Health Minister has issued a further Direction under s 7 of the *Public Health Act*. The purpose of this Direction is to further restrict social gatherings to limit the spread of COVID-19.

The Health Minister directs that from 12 noon on 23 March 2020 the following places must be closed:

- (a) restaurants, cafes and other food and drinks venues (except takeaway sales of food or alcohol for off-site consumption.) If the premises are part of a hotel or motel, persons using that accommodation may only consume in their rooms.
- (b) pubs and registered clubs (except takeaway sales of food or alcohol for off-site consumption or, if the pub or club has accommodation, for in-room consumption).
- (c) micro-breweries, small distilleries and cellar door premises (except for takeaway sales of food or alcohol for off-site consumption).
- (d) entertainment facilities including cinemas, theatres, music & concert halls etc
- (e) amusement centres including video game centres and pool halls etc
- (f) business premises that are betting agencies
- (g) casinos except for the purposes of providing accommodation, room service or providing food or beverages to persons using that accommodation for in-room consumption.
- (h) indoor recreation facilities including gyms, health studios, pools, squash & tennis courts, bowling alleys, ice rinks whether operated for gain or not
- (i) places of worship (except for weddings and funerals). Note the social distancing rules still apply.

This Direction expires in 90 days unless revoked or if a State of Emergency is called.

If you receive information that premises are operating in contravention of the Health Minister's Social Gathering Closure Direction, you should notify your Supervisor to discuss the appropriate response.

This is how police may consider responding:

- (a) **Explain** the Minister's Direction to the business owner and **warn** them that they are breaching the Minister's Direction and committing a criminal offence, and seek their compliance;
- (b) **Assist** business owners to remove the public from attempting to put the business owner in breach, if required;
- (c) If the offence continues after you have provided a warning (and reasonable time to respond), consider issuing a Future CAN or Field CAN (Police cannot yet issue Penalty Infringement Notices. You will be advised when this changes). Commencing

proceedings should be a last resort and after consulting with the Police Operation Centre or State Coordinator.

- (d) Put a COPS Event on the system and notify the breach to the **Police Operation Centre during business hours or the State Coordinator after-hours**, including the action you have taken (use COPS incident category “Miscellaneous”, sub-category “Other Miscellaneous Offence”, operation name “Corona Virus 2020” and associated factor “Pandemic”);

STOP: Proceedings must NOT be commenced without first advising the Police Operation Centre or State Coordinator.

WHAT IS THE OFFENCE FOR BREACHING THE HEALTH MINISTER’S DIRECTION?

The offence is ‘not comply with Ministerial Direction’ under s 10 of the *Public Health Act*. The offence code is 77224. You can only issue a CAN for this offence. Penalty Infringement Notices are expected to become available. We will notify you when they do. Penalties are:

Individual	Max. 6 months imprisonment and/or \$11,000 fine. \$5,000/day offence continues
Corporation	Max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister’s Direction. Nevertheless, you may have no other option but to arrest under s 99 of LEPPRA. This should be a last resort. You should seek legal advice prior to doing so, and remember to also advise the Police Operation Centre or State Coordinator.

WHAT DO I NEED TO PROVE?

You must prove that the person is subject to the Minister’s Direction Closing Social Gatherings, has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

You must report all incidents and interactions with persons who have allegedly contravened the Health Minister’s Direction to the POC (9215 3029 / Enet 23029) or the State Coordinator (9265 4408 / Enet 54408).

PRIVACY

While your duties may require you to disclose personal health information about a person to keep the community safe, remember to always be respectful about the person’s privacy, and to disclose only as much information as reasonably necessary in the circumstances.

IF IN DOUBT, ASK!

If you are unsure about any of your powers with regards to COVID-19, consult your chain of command.

STAY SAFE

Consult the “Coronavirus” page on the Intranet for details on how to best protect yourself from COVID-19.

**Health Minister's COVID-19
Social Gathering - Closure Direction**

Public Health Act 2010 (NSW)



FACT SHEET FOR NSW POLICE

The Health Minister has issued a further Direction under s 7 of the *Public Health Act*. The purpose of this Direction is to further restrict social gatherings to limit the spread of COVID-19.

The Health Minister directs that from 12 noon on 23 March 2020 the following places must be closed:

- (a) restaurants, cafes and other food and drinks venues (except takeaway sales of food or alcohol for off-site consumption.) If the premises are part of a hotel or motel, persons using that accommodation may only consume in their rooms.
- (b) pubs and registered clubs (except takeaway sales of food or alcohol for off-site consumption or, if the pub or club has accommodation, for in-room consumption).
- (c) micro-breweries, small distilleries and cellar door premises (except for takeaway sales of food or alcohol for off-site consumption).
- (d) entertainment facilities including cinemas, theatres, music & concert halls etc.
- (e) amusement centres including video game centres and pool halls etc.
- (f) indoor recreation facilities including gyms, health studios, pools, squash & tennis courts, bowling alleys, ice rinks whether operated for gain or not.
- (g) casinos except for the purposes of providing accommodation, room service or providing food or beverages to persons using that accommodation for in-room consumption.
- (h) places of worship (except for weddings and funerals). Note the social distancing rules still apply.

This Direction expires in 90 days unless revoked or if a State of Emergency is called.

If you receive information that premises are operating in contravention of the Health Minister's Social Gatherings Closure Direction, you should notify your Supervisor to discuss the appropriate response.

This is how police may consider responding:

- (a) **Explain** the Minister's Direction to the business owner and **warn** them that they are breaching the Minister's Direction and committing a criminal offence, and seek their compliance;
- (b) **Assist** business owners to remove members of the public who may be attempting to put the business owner in breach, if required;
- (c) If the offence continues after you have provided a warning (and reasonable time to respond), consider issuing a Future CAN or Field CAN (Police cannot yet issue Penalty Infringement Notices. You will be advised when this changes). Commencing proceedings should be a last resort and after consulting with the Police Operation Centre or State Coordinator;

- (d) Put a COPS Event on the system and notify the breach to the **Police Operation Centre during business hours or the State Coordinator after-hours**, including the action you have taken (use COPS incident category “Miscellaneous”, sub-category “Other Miscellaneous Offence”, operation name “Corona Virus 2020” and associated factor “Pandemic”).

STOP: Proceedings must NOT be commenced without first advising the Police Operation Centre or State Coordinator.

WHAT IS THE OFFENCE FOR BREACHING THE HEALTH MINISTER’S DIRECTION?

The offence is ‘not comply with Ministerial Direction’ under s 10 of the *Public Health Act*. The offence code is 77224. You can only issue a CAN for this offence. Penalty Infringement Notices are expected to become available. We will notify you when they do. Penalties are:

Individual	Max. 6 months imprisonment and/or \$11,000 fine. \$5,000/day offence continues
Corporation	Max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister’s Direction. Nevertheless, you may have no other option but to arrest under s 99 of LEPR. This should be a last resort. You should seek legal advice prior to doing so, and remember to also advise the Police Operation Centre or State Coordinator.

WHAT DO I NEED TO PROVE?

You must prove that the person is subject to the Minister’s Direction Closing Social Gatherings, has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

You must report all incidents and interactions with persons who have allegedly contravened the Health Minister’s Direction to the POC (9215 3029 / Enet 23029) or the State Coordinator (9265 4408 / Enet 54408).

PRIVACY

While your duties may require you to disclose personal health information about a person to keep the community safe, remember to always be respectful about the person’s privacy, and to disclose only as much information as reasonably necessary in the circumstances.

IF IN DOUBT, ASK!

If you are unsure about any of your powers with regards to COVID-19, consult your chain of command.

STAY SAFE

Consult the “Coronavirus” page on the Intranet for details on how to best protect yourself from COVID-19.

**Health Minister's COVID-19
Social Gathering - Closure Direction**

Public Health Act 2010 (NSW)



FACT SHEET FOR NSW POLICE

The Health Minister has issued a Direction **under s 7 of the *Public Health Act***. The purpose of this Direction is to further restrict social gatherings to limit the spread of COVID-19.

A. Closed Places

The Health Minister directs that from 26 March 2020 the following places must be closed:

- (a) restaurants, cafes and other food and drinks venues (except takeaway sales of food or alcohol for off-site consumption.) If the premises are part of a hotel or motel, persons using that accommodation may only consume in their rooms.
- (b) pubs and registered clubs (except takeaway sales of food or alcohol for off-site consumption or, if the pub or club has accommodation, for in-room consumption).
- (c) micro-breweries, small distilleries and cellar door premises (except for takeaway sales of food or alcohol for off-site consumption).
- (d) Entertainment facilities and amusement centres including cinemas, theatres, music & concert halls, billiards, electronic or mechanical amusement devices such as pinball machines, video game centres and pool halls etc.
- (e) indoor recreation facilities including gyms, health studios, pools, squash & tennis courts, bowling alleys, ice rinks whether operated for gain or not.
- (f) casinos except for the purposes of providing accommodation, room service or providing food or beverages to persons using that accommodation for in-room consumption.
- (g) places of worship, except for weddings (5 people) and funerals (10 people) where social distancing rules apply. Note outdoor weddings/funerals/parties can occur outside of places of worship subject to 500 person limit and facilitation of 4m social distancing.
- (h) food courts within shopping centres (food & beverage premises may remain open, but the food & beverages must be consumed off the shopping centre premises).
- (i) markets (except food produce markets).
- (j) beauty salons (including tanning, waxing and nail salons), tattoo parlours, and massage parlours.
- (k) spas (including where they are part of a hotel).
- (l) business premises that are betting agencies or auction houses.
- (m) sex services premises and strip clubs.
- (n) outdoor play centres and outdoor swimming pools.
- (o) caravan parks and campsites, except for staff, permanent residents, or those who have no other principal place of residence.

- (p) galleries, museums, national institutions, historic sites, libraries, community centres, and youth centres.
- (q) community facilities (such as community halls, clubs, RSLs, PCYCs).

Exemptions

- Facilities can stay open to host essential voluntary or public services e.g. homelessness services and foodbanks or as an early education and care facility.
- Liquor and Gaming NSW has advised that it will not be seeking to strictly enforce, where reasonable, compliance with the licencing conditions of food and drinks and other premises, preventing the sale of alcohol for consumption off the premises during this time.

B. Restricted Social Activities

The Health Minister directs that from 26 March 2020 persons must not engage in the following activities:

- (a) conduct or participate in a fitness class, boot camp or other personal training unless outside and limited to groups of 10 people.
- (b) participate in a social sporting activity (eg football) unless outside and limited to groups of 10 people.
- (c) conduct an auction attended in person (except outdoor livestock auctions for food supply).
- (d) conduct real estate 'open for inspections' for sale or lease (open house by single private appointment only).

This Direction expires on 23 June 2020.

HOW DO I RESPOND TO AN ALLEGED BREACH OF THE HEALTH MINISTER'S SOCIAL GATHERINGS CLOSURE DIRECTION?

You may direct a person to provide their name and address (s 112 *Public Health Act*) if the person is suspected to have contravened a Ministerial Direction. Police must still comply with the LEPRSA safeguards when exercising this power. If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under LEPRSA s99(1)(b)(iii) to establish identity. However, consider your own safety before proceeding.

A common response to a breach of this Social Gatherings Closure Direction may be:

- (a) **Explain** the Minister's Direction to the business owner and **warn** them that they are breaching the Minister's Direction and committing a criminal offence. Seek their cooperation and compliance;
- (b) **Assist** business owners to remove members of the public who may be attempting to put the business owner in breach, if required;
- (c) If the offence continues after you have provided a warning (and reasonable time to respond), consider issuing a PIN in the normal manner.
- (d) put a COPS Event on the system including the action you have taken (use COPS incident category "Miscellaneous", sub-category "Other Miscellaneous Offence", operation name "Corona Virus 2020" and associated factor "Pandemic").

- (e) A CAN may be an appropriate response in some circumstances. However, notify the **POC during business hours (9215 3102 / E/net 23102) or the State Coordinator after-hours (9265 4408 / E/net 54408)** and seek legal advice before proceeding.
- (f) There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister's Direction. Nevertheless, you may have no other option but to arrest under s 99 of LEPR. This should be a last resort.

STOP: A CAN should NOT be issued without first advising the Police Operation Centre or State Coordinator.

OFFENCES AND PENALTIES

Police officers are now authorised to issue a PIN for offences under the *Public Health Act* or issue a CAN. You must prove that the premises are subject to the Social Gatherings Closure Direction, the apparent owner or controller of the premises has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

PENALTY NOTICE	SDRO Offence Code	On the Spot Fine
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	895638	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,000/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

PRIVACY

Respect the privacy of a person's health status. Disclose information as reasonably necessary in the circumstances.

**IF IN DOUBT,
ASK!**

If you are unsure about any of your CV19 powers consult your chain of command.

STAY SAFE

See the "Coronavirus" page on the Intranet to best protect yourself from COVID-19.

**Health Minister's COVID-19
Social Gathering - Closure Direction**

Public Health Act 2010 (NSW)



FACT SHEET FOR NSW POLICE

The Health Minister has issued a Direction **under s 7 of the *Public Health Act***. The purpose of this Direction is to further restrict social gatherings to limit the spread of COVID-19.

A. Closed Places

The Health Minister directs that from 26 March 2020 the following places must be closed:

- (a) restaurants, cafes and other food and drinks venues (except takeaway sales of food or alcohol for off-site consumption.) If the premises are part of a hotel or motel, persons using that accommodation may only consume in their rooms.
- (b) pubs and registered clubs (except takeaway sales of food or alcohol for off-site consumption or, if the pub or club has accommodation, for in-room consumption).
- (c) micro-breweries, small distilleries and cellar door premises (except for takeaway sales of food or alcohol for off-site consumption).
- (d) Entertainment facilities and amusement centres including cinemas, theatres, music & concert halls, billiards, electronic or mechanical amusement devices such as pinball machines, video game centres and pool halls etc.
- (e) indoor recreation facilities including gyms, health studios, pools, squash & tennis courts, bowling alleys, ice rinks whether operated for gain or not.
- (f) casinos except for the purposes of providing accommodation, room service or providing food or beverages to persons using that accommodation for in-room consumption.
- (g) places of worship, except for weddings (5 people) and funerals (10 people) where social distancing rules apply. Note outdoor weddings/funerals/parties can occur outside of places of worship subject to 500 person limit and facilitation of 4 square metres social distancing.
- (h) food courts within shopping centres (food & beverage premises may remain open, but the food & beverages are to be consumed off the shopping centre premises).
- (i) markets, but not markets that predominantly sell food.
- (j) beauty salons (including tanning, waxing and nail salons), tattoo parlours, and massage parlours.
- (k) spas (including where they are part of a hotel).
- (l) business premises that are betting agencies or auction houses.
- (m) sex services premises and strip clubs.
- (n) outdoor play centres and outdoor swimming pools.
- (o) caravan parks and campsites, except for staff, permanent residents, or those who have no other principal place of residence (but see further exemptions below).

- (p) Galleries, museums, national institutions, historic sites, libraries, community centres, and youth centres.
- (q) Community facilities (such as community halls, clubs, RSLs, PCYCs)

Exemptions

- Facilities can stay open to host essential voluntary or public services e.g. homelessness services and foodbanks or as an early education and care facility.
- Liquor and Gaming NSW has advised that it will not be seeking to strictly enforce, where reasonable, compliance with the licencing conditions of food and drinks and other premises, preventing the sale of alcohol for consumption off the premises during this time.
- Caravan parks and camping grounds may also remain open for a person who was staying at the park or grounds immediately before 26 March 2020 and who is continuing to stay at the caravan park or camping ground under a booking that was made before 26 March 2020 and has not been extended after that date.

B. Restricted Social Activities

The Health Minister directs that from 26 March 2020 persons must not engage in the following activities:

- (a) conduct or participate in a fitness class, boot camp or other personal training unless outside and limited to groups of 10 people.
- (b) participate in a social sporting activity (eg football) unless outside and limited to groups of 10 people.
- (c) conduct an auction attended in person (except outdoor livestock auctions for food supply).
- (d) conduct real estate 'open for inspections' for sale or lease (open house by single private appointment only).

This Direction expires on 23 June 2020.

HOW DO I RESPOND TO AN ALLEGED BREACH OF THE HEALTH MINISTER'S SOCIAL GATHERINGS CLOSURE DIRECTION?

You may direct a person to provide their name and address (s 112 *Public Health Act*) if the person is suspected to have contravened a Ministerial Direction. Police must still comply with the LEPRA safeguards when exercising this power. If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under LEPRA s99(1)(b)(iii) to establish identity. However, consider your own safety before proceeding.

A common response to a breach of this Social Gatherings Closure Direction may be:

- (a) **Explain** the Minister's Direction to the business owner and **warn** them that they are breaching the Minister's Direction and committing a criminal offence. Seek their cooperation and compliance;

- (b) **Assist** business owners to remove members of the public who may be attempting to put the business owner in breach, if required;
- (c) If the offence continues after you have provided a warning (and reasonable time to respond), consider issuing a PIN in the normal manner.
- (d) put a COPS Event on the system including the action you have taken (use COPS incident category “Miscellaneous”, sub-category “Public Health Act”, operation name “Corona Virus 2020” and associated factor “Pandemic”).
- (e) A CAN may be an appropriate response in some circumstances. However, notify the **POC during business hours (9215 3029 / E/net 23029) or the State Coordinator after-hours (9265 4408 / E/net 54408)** and seek legal advice before proceeding.
- (f) There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister’s Direction. Nevertheless, you may have no other option but to arrest under s 99 of LEPRA. This should be a last resort.

STOP: A CAN should NOT be issued without first advising the Police Operation Centre or State Coordinator.

OFFENCES AND PENALTIES

Police officers are now authorised to issue a PIN for offences under the *Public Health Act* or issue a CAN. You must prove that the premises are subject to the Social Gatherings Closure Direction, the apparent owner or controller of the premises has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

PENALTY NOTICE	SDRO Offence Code	On the Spot Fine
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	895638	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,000/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

PRIVACY

**IF IN DOUBT,
ASK!**

STAY SAFE

**Health Minister's COVID-19
Closure and Restricted Activities Direction**

Public Health Act 2010 (NSW)



FACT SHEET FOR NSW POLICE

The Health Minister has issued a Direction **under s 7 of the *Public Health Act***. The purpose of this Direction is to close certain premises and restrict certain social activities to limit the spread of COVID-19.

A. Closed Places

The Health Minister directs that from 31 March 2020 the following places must be closed:

- (a) restaurants, cafes and other food and drinks venues (except takeaway sales of food or drinks, including alcohol, for off-site consumption.) If the premises are part of a hotel or motel, persons using that accommodation may only consume in their rooms. If the food or drink premises are part of a shopping centre, the food or drinks must be sold for consumption outside of the shopping centre.
- (b) pubs and registered clubs (except takeaway sales of food or drinks, including alcohol, for off-site consumption or, if the pub or club has accommodation, for in-room consumption).
- (c) micro-breweries and small distilleries holding a drink on-premises authorisation and cellar door premises (except for takeaway sales of food or drinks, including alcohol, for off-site consumption).
- (d) entertainment facilities and amusement centres including cinemas, theatres, music & concert halls, billiard halls, electronic or mechanical amusement devices such as pinball machines, video game centres, pool halls etc.
- (e) indoor recreation facilities whether operated for gain or not including gyms, health studios, pools, squash & tennis courts, bowling alleys, ice rinks, table tennis centres etc.
- (f) outdoor public gym equipment, public playgrounds and skate parks.
- (g) casinos except for the purposes of providing accommodation, or providing food or drinks, including alcohol, to persons using that accommodation for in-room consumption.
- (h) places of worship, except for weddings (5 people) and funerals (10 people).
- (i) markets, but not markets that predominantly sell food.
- (j) information and education facilities that are used for providing information or education to visitors and exhibitions, such as art galleries, museums, libraries, historic sites, properties operated by the National Trust or Historic Houses Trust and visitor information centres.
- (k) business premises that are spas (including where they are part of a hotel), nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours and massage parlours.
- (l) business premises that are betting agencies, auction houses or gaming lounges.
- (m) sex services premises and strip clubs.
- (n) public swimming pools.
- (o) caravan parks and campsites, except for staff, permanent residents, or those who have no other principal place of residence, and their visitors (see further note re caravan parks and campgrounds below).
- (o) community facilities (such as community halls, clubs, RSLs).

Notes

- The recording of a virtual session in a gym or streaming of a live performance from an entertainment facility is not prohibited if the venue is not open to the public.
- Facilities can stay open to host essential voluntary or public services e.g. homelessness services and foodbanks or as an early education and care facility.
- Caravan parks and camping grounds may also remain open for a person who was staying at the park or grounds immediately before 26 March 2020 and who is continuing to stay at the caravan park or camping ground under a booking that was made before 26 March 2020 and has not been extended after that date.

- Liquor and Gaming NSW has advised that it will not be seeking to strictly enforce, where reasonable, compliance with the licencing conditions of food and drinks and other premises that prevent the sale of alcohol for consumption off the premises during this time.

B. Restricted Social Activities

The Health Minister directs that from 31 March 2020 persons must not engage in the following activities:

- (a) conduct an auction attended in person (except outdoor livestock auctions for food supply).
- (b) conduct real estate 'open for inspections' for sale or lease (a single party being shown the premises by appointment is permitted).

This Direction expires on 29 June 2020.

HOW DO I RESPOND TO AN ALLEGED BREACH OF THE HEALTH MINISTER'S SOCIAL GATHERINGS CLOSURE DIRECTION?

You may direct a person to provide their name and address (s 112 *Public Health Act*) if the person is suspected to have contravened a Ministerial Direction. Police must still comply with the LEPRA safeguards when exercising this power. If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under LEPRA s99(1)(b)(iii) to establish identity. However, consider your own safety before proceeding.

A common response to a breach of this Social Gatherings Closure Direction may be:

- (a) **Explain** the Minister's Direction to the business owner and **warn** them that they are breaching the Minister's Direction and committing a criminal offence. Seek their cooperation and compliance;
- (b) **Assist** business owners to remove members of the public who may be attempting to put the business owner in breach, if required;
- (c) If the offence continues after you have provided a warning (and reasonable time to respond), consider issuing a PIN in the normal manner.
- (d) put a COPS Event on the system including the action you have taken (use COPS incident category "Miscellaneous", sub-category "Public Health Act", operation name "Corona Virus 2020" and associated factor "Pandemic").
- (e) A CAN may be an appropriate response in some circumstances. However, notify the **POC during business hours (9215 3029 / E/net 23029) or the State Coordinator after-hours (9265 4408 / E/net 54408)** and seek legal advice before proceeding.
- (f) There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister's Direction. Nevertheless, you may have no other option but to arrest under s 99 of LEPRA. This should be a last resort.

STOP: A CAN should NOT be issued without first advising the Police Operation Centre or State Coordinator.

OFFENCES AND PENALTIES

Police officers are now authorised to issue a PIN for offences under the *Public Health Act* or issue a CAN. You must prove that the premises are subject to the Closure Direction, the apparent owner or controller of the premises has notice of the Direction, and without reasonable excuse, failed to comply with the Direction or that the activity is the subject of Restricted Activity Direction, the person has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

PENALTY NOTICE	SDRO Offence Code	On the Spot Fine
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	895638	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	<p>Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues</p> <p>Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues</p>

PRIVACY

**IF IN DOUBT,
ASK!**

STAY SAFE

**Health Minister's COVID-19
Closure and Restricted Activities Direction**

Public Health Act 2010 (NSW)

FACT SHEET FOR NSW POLICE



The Health Minister has issued a Direction **under s 7 of the *Public Health Act***. The purpose of this Direction is to close certain premises and restrict certain social activities to limit the spread of COVID-19.

A. Closed Places

The Health Minister directs that from 31 March 2020 the following places must be closed:

Place	Except for
Food and drinks premises (including shopping centre food courts)	Takeaway
Pubs and registered clubs	Accommodation and takeaway (for consumption in-room where applicable)
Micro-breweries and cellar door premises	Takeaway
Casinos	Accommodation and takeaway (for consumption in-room where applicable)
Places of worship	Weddings (5 people maximum) and funerals (10 people maximum, excluding those persons conducting or preparing the funeral)
Markets	Markets that predominantly sell food
Caravan parks and campsites	Staff, permanent residents, overnight travellers, local workers, those without other permanent residence (incl. temporarily) and their visitors
Business premises that are spas, nail salons, beauty salons, waxing salons and tanning salons	Selling goods and gift vouchers, including for services redeemable at a later date (4sqm rule applies and reasonable steps must be taken to ensure availability of hand sanitiser for customers)
Entertainment and amusement centres including cinemas, and indoor recreation facilities including gyms	N/A
Outdoor public gym equipment, public playgrounds, skate parks and public swimming pools	N/A
Information and education facilities (such as art galleries and visitor centres, not education institutions such as schools and universities), and community facilities	N/A
Tattoo parlours and massage parlours (remedial massage premises can stay open)	
Betting agencies, auction houses, gaming lounges, sex services premises and strip clubs	N/A

Notes

- The recording or streaming of a virtual session in a gym, live performance from an entertainment facility or service from a place of worship is permitted if the venue is not otherwise open to the public.
- Truck stop facilities (roadhouses, rest areas, service stations) can continue to sell food and drinks to drivers transporting goods for work and their passengers for consumption on the premises (other persons must consume the food or drinks off the premises).
- Facilities can stay open to host essential voluntary or public services to vulnerable people e.g. homelessness services and foodbanks or as an early education and care facility.

- Liquor and Gaming NSW has advised that it will not be seeking to strictly enforce, where reasonable, compliance with the licencing conditions of food and drinks and other premises that prevent the sale of alcohol for consumption off the premises during this time.

B. “500/100 person” and “4sqm” rules

The Health Minister also directs that where a premises is not required to close, the occupier or operator of that premises must not:

- (a) allow 500 persons or more to enter or stay on any outdoor premises at the same time;
- (b) allow 100 persons or more to enter or stay on any indoor premises at the same time;
- (c) allow persons to enter or stay on any premises (both outdoor and indoor) unless the size of the premises allows 4sqm of space for each person present (e.g. 100sqm of space is required for 25 persons).

The following places are exempt from the 500/100 person and 4sqm rules (and the ‘2 person gathering rule’ as referred to in Issue 3):

Exempt	Exempt where the gathering is for the normal operation of the place
A person’s place of residence	Supermarkets, markets that predominantly sell food, grocery stores and shopping centres
Places of transit for the purposes of people transiting through that place (e.g. Pitt St Mall)	Other retail stores (4sqm rule continues to apply, however) (see note below)
Vehicles and public transportation facilities (e.g. stations, platforms, stops)	Places of work (e.g. office buildings, construction sites)
Prisons, correctional facilities, youth justice centres and other places of custody	Airports, hospital and medical facilities, disability and aged care facilities
	Courts, tribunals and Parliament, schools, universities and other education institutions, and child-care facilities (except for any events at those places that involve outside members of the community)
	Hotels, motels and other accommodation facilities

Note: “Other retail stores” are retail stores that are not supermarkets, markets that predominantly sell food, grocery stores and shopping centres. The 500/100 person rule does not apply, however the 4sqm rule does apply to these stores.

C. Restricted Social Activities

The Health Minister directs that from 31 March 2020 persons must not engage in the following activities:

- (a) conduct an auction at which persons attend in person (except auctions for food supply (including livestock) or a fibre or crop auction).
- (b) conduct real estate ‘open for inspections’ for sale or lease (a single party being shown the premises by appointment is permitted).

This Direction expires on 29 June 2020.

HOW DO I RESPOND TO AN ALLEGED BREACH OF THE HEALTH MINISTER’S CLOSURE AND RESTRICTED ACTIVITIES DIRECTION?

You may direct a person to provide their name and address (s 112 *Public Health Act*) if the person is suspected to have contravened a Ministerial Direction. Police must still comply with the LEPRA

safeguards when exercising this power. If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under LEPR s99(1)(b)(iii) to establish identity. However, consider your own safety before proceeding.

A common response to a breach of this Closure and Restricted Activities Direction may be:

- (a) **Explain** the Minister’s Direction to the business owner and **warn** them that they are breaching the Minister’s Direction and committing a criminal offence. Seek their cooperation and compliance;
- (b) **Assist** business owners to remove members of the public who may be attempting to put the business owner in breach, if required;
- (c) If the offence continues after you have provided a warning (and reasonable time to respond), consider issuing a PIN in the normal manner.
- (d) put a COPS Event on the system including the action you have taken (use COPS incident category “Miscellaneous”, sub-category “Public Health Act”, operation name “Corona Virus 2020” and associated factor “Pandemic”).
- (e) A CAN may be an appropriate response in some circumstances. However, notify the **POC during business hours (9215 3029 / E/net 23029) or the State Coordinator after-hours (9265 4408 / E/net 54408)** and seek legal advice before proceeding.
- (f) There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister’s Direction. Nevertheless, you may have no other option but to arrest under s 99 of LEPR. This should be a last resort.

STOP: A CAN should NOT be issued without first advising the Police Operation Centre or State Coordinator.

OFFENCES AND PENALTIES

Police officers are now authorised to issue a PIN for offences under the *Public Health Act* or issue a CAN. You must prove that the premises are subject to the Closure Direction or Direction concerning persons allowed on the premises as applicable, the apparent owner or controller of the premises has notice of the Direction, and without reasonable excuse, failed to comply with the Closure Direction or Direction concerning persons allowed on the premises, or that the activity is the subject of the Restricted Activity Direction, the person has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

PENALTY NOTICE	SDRO Offence Code	On the Spot Fine
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	895638	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues.

PRIVACY

IF IN DOUBT, ASK!

STAY SAFE

Health Minister's COVID-19
Diagnosed Person – Self- Isolation

Public Health Act 2010 (NSW)



FACT SHEET FOR NSW POLICE

The Health Minister has issued a further Direction **under s 7 of the *Public Health Act*** directing that a person who has been diagnosed with COVID-19 must self-isolate.

The diagnosed person must, immediately after receiving the diagnosis, travel directly to:

- (a) home or another suitable residence as determined by a health practitioner; or
- (b) hospital for assessment by a medical practitioner. The person must travel directly home after being discharged from the hospital.

The diagnosed person must remain at their home or other suitable residence until they are assessed by a medical practitioner to be free from COVID-19.

The diagnosed person must not permit any other person to enter their residence unless:

- (a) The other person usually lives at the residence or the other person is also complying with this direction; or
- (b) The entry is for medical or emergency purposes.

Exceptions

A diagnosed person can only leave their residence during the self-isolation period:

- (a) For the purpose of obtaining medical care or medical supplies; or
- (b) In an emergency.

This Direction expires on 20 June 2020.

Suggested Police Response

If you receive a report that a COVID-19 sufferer is not staying home:

1. **Ascertain** whether the person has COVID-19 by emailing the POC at **#COVIDCHECK**. The POC has access to NSW Health data that can confirm infection status.
2. **Call** the person reported as being in breach of this Direction (if you have a phone number).
3. **Inform** them that they have been reported for leaving self-isolation. Ask them why they left and tell them that it is an offence to leave their residence (unless it is an emergency or if they are obtaining medical care or medical supplier).
4. **Inform** the person that if they need groceries or other items, they must get a friend or family member to assist. Refer them to the attached Health information <https://www.health.nsw.gov.au/Infectious/factsheets/Pages/advice-for-confirmed.aspx>
5. **Warn** them that the maximum penalty is \$11,000 penalty and/or 6 months imprisonment or that an on-the-spot fine of \$1,000 may be issued.
6. **Confirm** the person's name and address (s 112 *Public Health Act*) if the person is suspected to have contravened a Ministerial Direction. Police must still comply with the LEPRA safeguards when exercising this power. If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under

- LEPRA s99(1)(b)(iii) to establish identity and issue a CAN. However, consider your own safety before proceeding.
7. If the diagnosed person has provided their name and address, but continues to breach the Ministerial Direction, consider issuing a PIN.
 8. **Immediately notify** the POC if you become aware that a person is continuing to breach self-isolation. The POC will notify NSW Health COVID-19 Operations who will consider whether to issue a public health order under s 62 of the *Public Health Act*. If a designated health practitioner issues a public health order and it is breached by the diagnosed person, you can arrest the person for the purposes of returning them to their home, place named in the public health order or hospital under s 71A *Public Health Act*.
 9. Put a COPS Event on the system including the action you have taken (use COPS incident category “Miscellaneous”, sub-category “Public Health Act”, operation name “Corona Virus 2020” and associated factor “Pandemic”). A CAN may be an appropriate response in some circumstances. However, notify the **POC during business hours (9215 3029 / E/net 23029) or the State Coordinator after-hours (9265 4408 / E/net 54408)** and seek legal advice before proceeding.
 10. Arrest should be a last resort and you will need to have obtained legal advice regarding the scope of the public health order issued in respect of the diagnosed person.

OFFENCES AND PENALTIES

For breach of the Ministerial Direction you must prove that the person is subject to the Minister’s Diagnosed Person Self Isolation Direction, has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

If a public health order has been issued to a diagnosed person you should seek legal advice on issuing a PIN or other charges in respect of any breach.

Offence Title	PIN/CAN	Offence Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	PIN	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19	CAN	95638	Max. 6 months imprisonment and/or \$11,000 fine. \$5,000/day offence continues

PRIVACY

Respect the privacy of a person’s health status. Disclose information as reasonably necessary in the circumstances.

IF IN DOUBT, ASK!

If you are unsure about any of your CV19 powers consult your chain of command.

STAY SAFE

See the “Coronavirus” page on the Intranet to best protect yourself from COVID-19.



Factsheet

Advice for people confirmed to have COVID-19 (Coronavirus) infection

Most people who are diagnosed with COVID-19 (Coronavirus) infection will be isolated in hospital. If you are discharged from hospital, you should follow the advice below until your doctor or the public health unit advises that you no longer need to be in isolation.

Last updated: 13 March 2020

Monitor symptoms

If your symptoms become serious (e.g. shortness of breath at rest or difficulty breathing), you should call 000. Tell the ambulance staff you are confirmed to have COVID-19 (Coronavirus). If your symptoms become worse, but are not serious, contact your doctor or the public health unit.



Stay at home

You should not go outside your home, except for seeking medical care. You should not go to work, school/childcare/university, the gym, or public areas, and should not use public transportation, taxis, or ride-shares, until cleared by the public health unit or your doctor.

Separate yourself from other people in the home

If you are sharing the home with others, as much as possible, you should:

- remain separated from others
- wear a surgical mask when you are in the same room as another person
- use a separate bathroom, if available.
- avoid shared or communal areas and wear a surgical mask when moving through these areas.

Make sure that you do not share a room with people who are at risk of severe disease, such as elderly people and those who have heart, lung or kidney conditions, and diabetes.

People who do not have an essential need to be in the home should not visit while you are in isolation.

Wear a surgical mask

You should wear a surgical mask when you are in the same room with other people (even if they are also in isolation) and when you visit a healthcare provider.

Make sure your surgical mask covers your nose and mouth at all times, and avoid touching your mask unnecessarily.

Cover coughs and sneezes

You should cover your mouth and nose with a tissue when you cough or sneeze, or cough or sneeze into your sleeve/elbow. Used tissues should be placed in a bin, and hands immediately washed with soap and water for at least 20 seconds.

Wash your hands

You should wash your hands often and thoroughly with soap and water for at least 20 seconds. You can use an alcohol-based hand sanitiser if your hands are not visibly dirty. Ensure you wash your hands or use a hand sanitiser:

- before entering an area where there are other people
- before touching things used by other people
- after using the bathroom
- after coughing or sneezing
- before putting on, and after removing, gloves and masks

Avoid sharing household items

You should not share dishes, drinking glasses, cups, eating utensils, towels, bedding, or other items with other people in your home. After using these items, you should wash them thoroughly with soap and water or use a dishwasher/washing machine.

Prevention steps for caregivers and household members of confirmed cases

There should only be people in the home who are essential for providing care for the person who is under isolation and those who cannot find alternative accommodation.

Caregivers and household members should follow the below advice to reduce their risk of infection.

Monitor symptoms

If you are a caregiver or household member and develop a fever, a cough, sore throat or shortness of breath, call your GP or the emergency department, unless it is a medical emergency (when you should call 000). Tell your GP or the emergency department that you are caring for a person with confirmed COVID-19. Use a surgical mask when in the presence of other people, or when attending medical care.

Wash your hands

Wash your hands often and thoroughly with soap and water for at least 20 seconds. You can use an alcohol-based hand sanitiser if your hands are not visibly dirty. Avoid touching your eyes, nose, and mouth with unwashed hands. Always wash your hands before putting on and after taking off gloves and masks.

Wear a surgical mask

Wear a surgical mask and disposable gloves when you are in the same room as the person with confirmed infection, or when you touch or have contact with the person's blood, body fluids and/or secretions, such as sweat, saliva, sputum, nasal mucus, vomit, urine, or diarrhoea.

- Make sure your mask covers your nose and mouth at all times
- Throw out disposable surgical masks and disposable gloves after use
- Wash your hands immediately after removing the surgical mask and gloves.

Clean household surfaces

Clean all "high-touch" surfaces, such as counters, tabletops, doorknobs, bathroom fixtures, toilets, phones, keyboards, tablets, and bedside tables, at least once a day wearing disposable gloves. Also, clean any surfaces that may have blood, body fluids and/or secretions or excretions on them.

- Read labels of cleaning products and follow recommendations on product labels. Labels contain instructions for safe and effective use of the cleaning product including precautions you should take when applying the product, such as wearing gloves or aprons and making sure the areas is well ventilated when using the product.
- Use a household disinfectant or a diluted bleach solution on hard surfaces. To make a bleach solution at home, add 1 tablespoon of bleach to 4 cups of water.
- Wear a surgical mask and disposable gloves while handling soiled items. Wash your hands immediately after removing gloves and masks.
- Wash laundry thoroughly
- Immediately remove and wash clothes or bedding that have blood, body fluids and/or secretions or excretions on them.
- Read and follow directions on labels of laundry or clothing items and detergent. In general, wash and dry with the warmest temperatures recommended on the clothing label.
- Dishes should be washed in a dishwasher where possible

Disposing of contaminated items

Place all used disposable gloves, surgical masks, and other contaminated items in a lined waste bin before disposing of them with other household waste. Wash your hands immediately after handling these items.

Tips for you and your family to help cope with home isolation

Being in home isolation can be frightening, particularly for young children. We've put together some tips for coping:

- Talk to the other members of the family about COVID-19 to reduce anxiety. You can find accurate, up to date information at the [NSW Health website](#)
- Reassure young children using age-appropriate language.
- Keep up a normal daily routine as much as possible.
 - Arrange with your employer to work from home, if possible.

- Ask your child's school to supply assignments, work sheets and homework by post or email.
- Think about how you have coped with difficult situations in the past and reassure yourself that you will cope with this situation too. Remember that isolation won't last forever.
- Keep in touch with family members and friends via telephone, email or social media.
- Exercise regularly at home. Options could include exercise DVDs, dancing, floor exercises, yoga, walking around the backyard or using home exercise equipment, such as a stationary bicycle, if you have it. Exercise is a proven treatment for stress and depression.
- Ask your family, friends or other members of the household to pick up your groceries and medicines for you. If this is not possible, you can order groceries and medicines (including prescription medicines) online or by telephone.
- Treat isolation as an opportunity to do some of those things you never usually have time for, such as board games, craft, drawing and reading.

Still have questions or need support while in isolation?

Call the National Coronavirus Health Information line 1800 020 080.

For more information

Visit the [NSW Health Website](#).

This page is also available in [Simplified Chinese](#) and [Traditional Chinese](#).

Page Updated: Friday 13 March 2020

Contact page owner: [Health Protection NSW](#)

Amendments to Public Health Act and Regulations

Additional Powers

Public Health Act 2010 and Public Health Regulations 2012



FACT SHEET FOR NSW POLICE

The *Public Health Act 2010* has been amended to give police officers additional powers. The *Public Health Regulation 2012* has also been amended.

The key amendments are:

1. Police can issue a **penalty infringement notice (PIN)** in the normal way for offences of breaching a Ministerial Direction.
2. Police are **authorised officers** under the Public Health Act, but only for the purposes of:
 - (a) issuing PINs relating to COVID-19; and
 - (b) directing a person to provide their name and address (s 112 *Public Health Act*) if the person is suspected to have contravened a Ministerial Direction. Police must still comply with the LEPRSA safeguards when exercising this power.

If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under LEPRSA s99(1)(b)(iii) to establish identity. However, consider your own safety before proceeding.

New PIN Offences

Offence Title	Fact Sheet	Amount
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual and corporation)		\$1,000 for an individual
Directions to date include:		
- Incoming Traveller Quarantine	Issue 1	\$5,000 for a corporation
- Mass Gatherings & social distance rules	Issue 3	
- Closure of Social Gathering Places (pubs, clubs, restaurants, etc)	Issue 4	
- Diagnosed person - self-isolation	Issue 5	

PRIVACY

Respect the privacy of a person's health status. Disclose information as reasonably necessary in the circumstances.

**IF IN DOUBT,
ASK!**

If you are unsure about any of your CV19 powers consult your chain of command.

STAY SAFE

See the "Coronavirus" page on the Intranet to best protect yourself from COVID-19.

Air Transportation Quarantine Direction

Public Health Act 2010 and Public Health Regulations 2012

FACT SHEET FOR NSW POLICE



The Health Minister has issued a Direction under s 7 of the **Public Health Act** directing that from 29 March 2020, a person who arrives in NSW by aircraft, and who has, within 14 days immediately before that arrival, been in a country other than Australia, must:

- Go directly to a quarantine facility (constable or above can specify), or
- Go directly to a medical facility for treatment (inspector must determine after consulting with Department of Health staff at the airport)

This Direction expires on 25 June 2020.

Exemptions

This Direction does not apply to:

- The flight crew, or
- Children who arrive in NSW as an “unaccompanied child” on the condition that they are released directly into the custody of a parent & the child self-isolates for 14 days.

Additional Requirements

The person subject to the direction must also:

- Comply with a police officer’s instructions about transport to the quarantine or medical facility;
- Remain at the facility until midnight on the 14th day after the person’s arrival (unless directed otherwise or in the case of an emergency); and
- Comply with any conditions or directions given by a police officer.

Limitations on entering a quarantine facility

A person who is not subject to this quarantine direction must not enter the quarantine facility unless the person is:

- A police officer
- Entering at the direction of a police officer
- Entering to provide medical treatment
- Entering in response to an emergency
- Carrying out functions that are necessary for the ordinary operation of the facility.

Suggested Police Response

If you observe a person subject to the Health Minister’s Air Transportation Quarantine Direction leaving, or you discover that they have left the quarantine facility:

1. **Inform** them that that it is an offence to leave the quarantine facility.
2. **Warn** them that the maximum penalty is \$11,000 penalty and/or 6 months imprisonment or that an on-the-spot fine of \$1,000 may be issued.

3. If the person has continues to breach the Ministerial Direction, consider issuing a PIN.
4. If the person continues their attempts to leave the premises, you can, if directed by a police officer of the rank of Sergeant or above, direct the person to remain in the quarantine facility pursuant to section 60L(1A) of the *State Emergency and Rescue Management Act 1989* (the SERM Act).
5. If the person fails to comply with the direction issued under the SERM Act, you may take such actions that are reasonably necessary to ensure compliance with the direction. For example, you may use reasonable force. You may also use the aid of such assistants as you consider necessary (such as ADF officers, if available).
6. **Immediately notify** the POC if you become aware that a person is continuing to breach the quarantine order.
7. **Consider notifying** NSW Health COVID-19 Operations of the continuing breach. NSW Health may wish to issue a public health order under s62 of the *Public Health Act*. If such an order is issued, you can arrest the person for the purposes of returning them to the place specified in the public health order.
8. If a person has escaped from the quarantine facility, you may confirm the person's name and address (s 112 *Public Health Act*) if the person is suspected to have contravened a Ministerial Direction. Police must still comply with LEPRSA safeguards when exercising this power. If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under LEPRSA s99(1)(b)(iii) to establish identity and issue a CAN. However, consider your own safety before proceeding.
9. Put a COPS Event on the system including the action you have taken (use COPS incident category "Miscellaneous", sub-category "Public Health Act", operation name "Corona Virus 2020" and associated factor "Pandemic").
10. A CAN may be an appropriate response in some circumstances. However, notify the **POC during business hours (9215 3029 / E/net 23029) or the State Coordinator after-hours (9265 4408 / E/net 54408)** and seek legal advice before proceeding.
11. Arrest should be a last resort and you will need to have obtained legal advice regarding the scope of the public health order issued in respect of the diagnosed person.

Offences and Penalties

For breach of the Ministerial Direction you must prove that the person is subject to the Direction, has notice of it, and without reasonable excuse, failed to comply with the Direction.

Offence Title	PIN/CAN	Offence Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	PIN	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19	CAN	95638	Max. 6 months imprisonment and/or \$11,000 fine. \$5,000/day offence continues

PRIVACY

**IF IN DOUBT,
ASK!**

STAY SAFE



**Health Minister's COVID-19
Spitting and Coughing Direction**



Public Health Act 2010 (NSW)

FACT SHEET FOR NSW POLICE

The Health Minister has issued a Direction **under s 7 of the *Public Health Act*** directing that a person must not intentionally spit at, or cough on, a public official in a way that would reasonably be likely to cause fear about the spread of COVID-19.

ELEMENTS OF THE OFFENCE

- (1) the accused,
- (2) intentionally and without reasonable excuse,
- (3) coughed on or spat at,
- (4) a public official,
- (5) in a way that was reasonably likely to cause fear about the spread of COVID-19,
- (6) while the Health Minister's Direction was in force, and
- (7) the accused had notice of the Direction.

***public official* means—**

- (a) a health worker, or
- (b) a police officer within the meaning of the *Police Act 1990*, or
- (c) another person exercising public functions under a law of New South Wales, or
- (d) an Immigration and Border Protection worker within the meaning of the *Australian Border Force Act 2015* of the Commonwealth, or
- (e) a person employed or otherwise engaged by the Commonwealth Department of Health.

***health worker* means—**

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

HOW TO RESPOND TO AN ALLEGED BREACH?

If responding to an incident where a public official has alleged that they have been spat or coughed on, investigate accordingly. Obtain victim and witness statements, CCTV footage, photographs and any other available evidence to assist in proving the offence.

You may direct a person to provide their name and address (s 112 *Public Health Act*) if the person is suspected to have contravened this Ministerial Direction. Police must still comply with the LEPRA safeguards when exercising this power. If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under LEPRA s99(1)(b)(iii) to establish identity and issue a CAN. However, consider your own safety before proceeding.

If you or your partner on shift are the victims of an intentional spitting or coughing incident, take appropriate action.

If you cannot establish the person had notice of the Health Minister's Direction, then you cannot proceed with this offence. Instead, you may proceed with another relevant offence (e.g. common assault, assault police officer or intimidation under the *Crimes Act*, or behave in offensive manner under the *Summary Offences Act*, depending on the facts of the case).

DO NOT proceed with both a breach of the Health Minister's Direction AND an assault, offensive conduct or other offence when they arise out of the same factual circumstances.

A common response to an alleged breach of this Ministerial Direction may be:

- (a) **Gather** evidence of the commission of the offence.
- (b) **Question** the accused person (after caution) to ascertain their **knowledge of the Health Minister's Direction**, what their intention was when they spat at/coughed on the victim, and their knowledge of the victim being a public official.
- (c) **Respond** by taking the most appropriate course of action e.g. Penalty Infringement Notice (PIN) for breaching the Health Minister's Direction or alternative action under another Act.
- (d) **Arrest** the person **as a last resort**. There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister's Direction, but you may arrest under LEPRA. However, you must have the intention to charge the person at the time of arrest and satisfy the criteria in s 99(1).
- (e) Put a **COPS Event** on the system including the action you have taken (use COPS incident category "Miscellaneous", sub-category "Public Health Act", operation name "Corona Virus 2020" and associated factor "Pandemic").
- (f) If proceeding with an assault, offensive conduct or other offence and **not** a breach of the Health Minister's Direction, use their respective incident categories but be sure to list the operation name "Corona Virus 2020" and associated factor "Pandemic".
- (g) A CAN may be an appropriate response in some circumstances. However, notify the **POC during business hours (9215 3029 / E/net 23029) or the State Coordinator after-hours (9265 4408 / E/net 54408)** and seek legal advice before proceeding.

CONSIDER whether a Penalty Notice is appropriate. If there is likelihood that an offence will continue or that bail conditions are necessary to protect a person, then a Penalty Notice is probably not suitable.



OFFENCES AND PENALTIES

Police officers can issue a Penalty Notice or issue a CAN for breaching the Health Minister's coughing or spitting Direction.

PENALTY NOTICE	Offence Code	On the Spot Fine
Not comply noticed direction in relation to spitting/coughing – COVID-19 – individual	95641	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Not comply noticed direction re spitting/coughing – COVID-19	95641	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues

PRIVACY

**IF IN DOUBT,
ASK!**

STAY SAFE



**Health Minister's COVID-19
Spitting and Coughing Direction**



Public Health Act 2010 (NSW)

FACT SHEET FOR NSW POLICE

The Health Minister has issued an updated Direction **under s 7 of the *Public Health Act*** directing that a person must not intentionally spit at, or cough on, a public official or any other worker in a way that would reasonably be likely to cause fear about the spread of COVID-19 (effective from 20 April 2020).

ELEMENTS OF THE OFFENCE

- (1) the accused,
- (2) intentionally and without reasonable excuse,
- (3) coughed on or spat at,
- (4) a public official or other worker,
- (5) in a way that was reasonably likely to cause fear about the spread of COVID-19,
- (6) while the Health Minister's Direction was in force, and
- (7) the accused had notice of the Direction.

***public official* means—**

- (a) a health worker, or
- (b) a police officer within the meaning of the *Police Act 1990*, or
- (c) another person exercising public functions under a law of New South Wales, or
- (d) an Immigration and Border Protection worker within the meaning of the *Australian Border Force Act 2015* of the Commonwealth, or
- (e) a person employed or otherwise engaged by the Commonwealth Department of Health.

***health worker* means—**

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

other worker includes, but is not limited to —

- (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.

This offence covers another worker while the worker is—

- (a) at the worker's place of work, or
- (b) travelling to or from that place of work.

If the worker's place of work is the worker's residential premises, the place of work does not include any part of the premises used solely for residential purposes.

HOW TO RESPOND TO AN ALLEGED BREACH?

If responding to an incident where a public official or other worker has alleged that they have been spat or coughed on, investigate accordingly. Obtain victim and witness statements, CCTV footage, photographs and any other available evidence to assist in proving the offence.

You may direct a person to provide their name and address (s 112 *Public Health Act*) if the person is suspected to have contravened this Ministerial Direction. Police must still comply with the LEPRA safeguards when exercising this power. If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under LEPRA s99(1)(b)(iii) to establish identity and issue a CAN. However, consider your own safety before proceeding.

If you cannot establish the person had notice of the Health Minister's Direction, then you cannot proceed with this offence. Instead, you may proceed with another relevant offence (e.g. common assault, assault police officer or intimidation under the *Crimes Act*, or behave in offensive manner under the *Summary Offences Act*, depending on the facts of the case).

DO NOT proceed with both a breach of the Health Minister's Direction AND an assault, offensive conduct or other offence when they arise out of the same factual circumstances.

A common response to an alleged breach of this Ministerial Direction may be:

- (a) **Gather** evidence of the commission of the offence.
- (b) **Question** the accused person (after caution) to ascertain their **knowledge of the Health Minister's Direction**, what their intention was when they spat at/coughed on the victim, and their knowledge of the victim being a public official or other worker.
- (c) **Respond** by taking the most appropriate course of action e.g. Penalty Infringement Notice (PIN) for breaching the Health Minister's Direction or alternative action under another Act.
- (d) **Arrest** the person **as a last resort**. There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister's Direction, but you may arrest under LEPRA. However, you must have the intention to charge the person at the time of arrest and satisfy the criteria in s 99(1).

- (e) Put a **COPS Event** on the system including the action you have taken (use COPS incident category “Public Health Act”, sub-category “Breach - COVID-19 Direction, operation name “Corona Virus 2020” and associated factor “Pandemic”).
- (f) If proceeding with an assault, offensive conduct or other offence and not a breach of the Health Minister’s Direction, use their respective incident categories but be sure to list the operation name “Corona Virus 2020” and associated factor “Pandemic”.
- (g) A CAN may be an appropriate response in some circumstances. However, notify the **POC during business hours (9215 3029 / E/net 23029) or the State Coordinator after-hours (9265 4408 / E/net 54408)** and seek legal advice from the POC before proceeding.

CONSIDER whether a Penalty Notice is appropriate. If there is likelihood that an offence will continue or that bail conditions are necessary to protect a person, then a Penalty Notice is probably not suitable.



“The rules are clear and they apply to everyone, so if you decide to ignore a direction, you will be caught and you will receive a hefty fine and possibly a prison sentence.”

~ NSW Police Commissioner Michael Fuller APM

OFFENCES AND PENALTIES

Police officers can issue a Penalty Notice or issue a CAN for breaching the Health Minister’s coughing or spitting Direction.

PENALTY NOTICE	Offence Code	On the Spot Fine
Not comply noticed direction in relation to spitting/coughing – COVID-19 – individual	95641	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Not comply noticed direction re spitting/coughing – COVID-19	95641	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues

IF IN DOUBT, SEEK LEGAL ADVICE FROM THE POC 9215 3029 | E/net 23029

PRIVACY

**IF IN DOUBT,
ASK!**

STAY SAFE

Health Minister's COVID-19

Restrictions on Gathering & Movement Direction

Public Health Act 2010 (NSW)



GATHERINGS AND CLOSURES

The *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 2) 2020* commenced on 15 May 2020, which eases previous restrictions. The following key rules now apply:

- Generally, **up to 10 persons** (or more if from the same household) may gather in public places for any reason (stay at home rule removed).
- More than 10 persons may gather in public places where an exemption applies (work, shopping centres, public transport, open houses, display homes, auctions etc).
- Up to **5 visitors** at home in addition to residents and others present with a reasonable excuse such as a tradesperson.
- Cafes, restaurants may open and seat up to 10 people at one time but must comply with the **4 sqm rule** (e.g. a café 6m x 5m can have 7 people in it, plus staff).
- Restaurants attached to **pubs & clubs** may open and seat up to 10 people at a time but must comply with the 4 sqm rule. Alcohol to be served only with, or ancillary to, food served in an area for eating on the premises. Take-aways and consumption in accommodation still permitted.
- No over-the-bar service of alcohol except for packaged takeaway sales.
- Food courts are to remain closed except for takeaway.
- Indoor physical centres including gyms to remain closed. Outdoor physical activity of up to 10 people is permitted, including at bootcamps, outdoor gym equipment & 10 swimmers in outdoor public swimming pools at any one time.
- Weddings may have up to 10 guests in addition to the couple being married, the celebrant and assistants, one photographer, one videographer (can be at a place of worship or food or drink premises).
- Funerals and memorial services may have up to 20 mourners indoors (may be at a place of worship or food or drink premises) and 30 outdoors.
- Religious services (not including person conducting the service or those assisting) or private worship of up to 10 people at places of worship.
- Beauty therapy and massage parlour venues to remain closed except for retail (4sqm rule applies).
- No holidays in regional areas.

In pubs and clubs, the focus should be on stopping people congregating at the bar and ensuring that gaming areas remain closed.

There are still closures of certain premises in place.

PENALTY NOTICE	Offence Code	On the Spot Fine
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	895638	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continue.

Health Minister's COVID-19

Restrictions on Gatherings, Closures & Activities

Public Health Act 2010 (NSW)



GATHERINGS AND CLOSURES

OVERVIEW

The *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 2) 2020* commenced on 15 May 2020, which eases previous restrictions. The following key rules now apply:

- Generally, **up to 10 persons** (or more if from the same household) may gather in public places for any reason (**stay at home rule revoked**).
- More than 10 persons may gather in public places where an exemption applies (work, shopping centres, public transport, open houses, display homes, auctions etc).
- Up to **5 visitors** at home plus residents (and workers eg a tradesperson).
- Cafes, restaurants may open and seat up to 10 people at one time but must comply with the **4 sqm rule** (e.g. a café 6m x 5m can have 7 people in it, plus staff).
- Restaurants attached to **pubs & clubs** may open and seat up to 10 people at a time but must comply with the 4 sqm rule. Alcohol must be sold with food and eaten in the dining area. Any attached bowling green can also be used up to a maximum of 10 people excluding staff. Take-aways and consumption in accommodation still permitted.
- Auction houses may open for any type of auction
- Betting agencies may be open, however the occupier must take reasonable steps to ensure that no more than 10 customers are on the premises at any time.
- Entertainment facilities are closed, except for drive-in cinemas.
- No over-the-bar service of alcohol except for packaged takeaway sales.
- Food courts are closed except for takeaway.
- Indoor physical centres including gyms are closed. Indoor pools of greater than 25 metres can be used for squad training subject to certain conditions.
- Outdoor physical activity for up to 10 people is permitted, including at bootcamps, outdoor gym equipment & 10 swimmers in outdoor public swimming pools at any one time.
- Weddings may have up to 10 guests in addition to the couple being married, the celebrant and assistants, one photographer, one videographer (at a place of worship, residence or food or drink premises).
- Funerals and memorial services may have up to 20 mourners indoors (at a place of worship, residence or food or drink premises) and 30 outdoors.
- Religious services (not including person conducting the service or those assisting) or private worship for up to 10 people at places of worship.
- Beauty therapy and massage parlour venues (except remedial massage premises) are closed except for retail (4sqm rule applies).
- No holidays in regional areas.

In pubs and clubs, the focus should be on stopping people congregating at the bar and ensuring that gaming areas remain closed.

Certain premises remain closed.

See the following pages for common scenarios, and more detailed information regarding the following FAQ's:

What premises are required to close and what are the exemptions?

What are the 4sqm and 500/100 person rules?

What is meant by the 5 person visitor rule at residential premises?

What is the 10 person gathering rule and what are the exemptions?

What is a typical police response and what are the applicable penalties?

**Common Scenarios for the
Gatherings & Closures Rules**

SITUATION	STANDARD RESPONSE
House party	<p>You have no general right of entry to a private residence to enforce the Health Minister's Direction.</p> <p>If you receive a complaint of a large gathering on private premises, you should speak with the owner/occupier and remind them of their obligations and seek their compliance.</p> <p>Under this most recent Direction, each person who is an adult member of a household must not allow more than 5 visitors to enter or stay in the place of residence at any one time, and must take reasonable steps to ensure that no more than 5 visitors are present in the place of residence of the household at any one time. Only adult members of the household can be criminally liable under this rule.</p> <p>If the party has or is producing offensive noise, consider issuing a Noise Abatement Direction under s 276 of the <i>Protection of the Environment Operations Act 1997</i>.</p> <p>If you are lawfully on premises (e.g. by invitation from the owner/occupier/person apparently in charge), you may use your power under s 112 of the <i>Public Health Act</i> to demand a person's name and address whom you suspect has contravened the Direction (but again this would only be adult members who you suspect reside at the household). A person who fails to comply with a direction to give their name/address, or who provides false or misleading name/address information may be arrested and CAN issued.</p> <p>Persons under 18 years of age cannot be criminally liable for a breach of the 5 Person Visitor Rule, nor can adults who do not reside at the household.</p>
Large congregation in a Park	<p>If the group exceeds 10 persons (or is a group not from the same household), all persons may be in breach of the 10 Person Gathering Rule.</p> <p>Use your discretion appropriately. A group of 11 persons sitting quietly having a chat in the park, for example, would not warrant the same police response as a group of rowdy young adults causing a disturbance.</p>
Large group of school students in a public park during school hours	<p>It is not uncommon for school students to be in public parks (they're used in inner city schools that don't have a lot of space in their school grounds). Once students leave the school grounds they are captured by the 10 Person Gathering Rule.</p> <p>The School Principal should be advised that they can apply for an exemption via the Health Minister if they support the practice. In the meantime, the students should be dispersed and sent back to the school grounds.</p>

Approximately 500 people or more in a public outdoor space such as Bondi Beach or Bondi Beach Park.	Local Councils will be responsible for ensuring there are no more than 500 people in these spaces. Generally, a common sense approach will be used to determine what area constitutes a single outdoor space which can accommodate up to 500 people. If concerns arise for these areas, contact the POC and seek guidance. The cooperation of the relevant council will generally be sought and a joint response likely.
Large group of people travelling in a vehicle	The 10 Person Gathering Rule does not apply to travel. A group of more than 10 persons in a mini-van or small bus, for example, cannot be criminally liable for a breach of the Health Minister's Direction.
Large groups in supermarkets & shopping centres	Supermarkets, retail stores and shopping centres are exempt from the 10 Person Gathering Rule. However, this is only to the extent necessary for the normal operation of those places. A group of more than 10 teenagers in a shopping centre, who are sitting together, are not there in a manner that fosters the normal operation of the shopping centre. They should be warned and moved-on.
Homeless people sleeping in groups	Police are not to separate homeless persons who sleep in groups of more than 10, as this is generally done for their own safety. Police are not to intervene with homeless people for sleeping or congregating in groups, unless a breach of the peace is occurring or likely to occur. Police can, however, educate the homeless and promote the Government's Social Distancing Policy (1.5m) if there appears to be non-compliance with it.
Soup Kitchens	Police are not to intervene with persons at Soup Kitchens, unless a breach of the peace is occurring or likely to occur. A gathering to provide care or assistance to a vulnerable person is exempt from the 10 Person Gathering Rule. Similarly, Soup Kitchens are permitted to serve meals on premises to assist vulnerable members of the public. Police should not intervene other than to reinforce the Government's Social Distancing Policy (1.5m) if there appears to be non-compliance with it.
More than 10 people drinking in a bar or pub while eating a meal or waiting for food to be served	A maximum of 10 persons can be present in a bar or pub to consume a meal. Patrons must not congregate at the bar. Any alcohol served must be served with or ancillary to food service, such as while waiting for the meal to be served. If there is a small number in excess of this, appropriate police action in the first instance should be to remind the occupier or publican of the 10 person limit so that some patrons can be asked to leave.
Any number of persons drinking in a bar or a pub without any food being served	Any alcohol served in a bar or pub must be served with or ancillary to food service, up to a maximum of 10 persons. Patrons must not congregate at the bar. Appropriate police action in the first instance should be to remind the occupier or publican of this restriction.
Group of persons playing lawn bowls on a bowling green while others eat a meal and have a drink in the attached club or pub	A maximum of ten persons can be on a green to play lawn bowls on any bowling green at a pub or club, plus any staff or officials. All persons must maintain physical distancing of 1.5 metres unless members of the same household. A maximum of 10 patrons can also be in the club itself to consume food (any alcohol served must be served ancillary to the food service). If you suspect that persons in excess of these limits may be playing lawn bowls or consuming a meal on the premises, an appropriate initial response may be to remind the occupier and patrons of these limits so that some patrons can be asked to leave.

10 persons consuming food in a restaurant	A maximum of 10 persons at any time are permitted to be in a restaurant to consume a meal. If the number slightly exceeds this, appropriate police action should be to remind the occupier of the 10 person limit so that some patrons can be asked to leave. Additional persons may be present for takeaway, subject to the 4sqm rule.
Persons on a private boat for recreation	Boats being used for a non-commercial purpose are exempt from the 4sqm rule, however persons on the boat must maintain physical distancing of 1.5 metres where practicable unless they are members of the same household.
Outdoor public swimming pools	Outdoor public swimming pools can be open to the public, however only 10 persons are permitted to swim in the pool at any time. Other persons can occupy the areas around the pool, such as seating and change areas, however the 10 person gathering, 4sqm and 500/100 person rules apply to these other areas. Where many more than 10 persons are in the pool at the same time, appropriate police action in the first instance may be to remind the occupier of this rule so some persons can be asked to exit the pool.
Squad training at an indoor swimming pool	Indoor swimming pools of 25 metres or more can be open for squad training only, with a maximum of one swimmer per lane and 10 in the pool in total. Any parents, family or carers of the squad members can occupy other areas of the swimming pool premises, subject to the 4sqm rule. A group consisting of the following persons is exempt from the 10 person gathering rule: staff, squad swimmers, trainers and coaches, and parents, family or carers of the squad swimmers.
Skate parks, outdoor gym equipment, outdoor playground equipment	These premises may be open to the public. The 10 person gathering, 4sqm and 500/100 person rules apply. Discretion should be used appropriately. A number of individual skateboarders/playground users that slightly exceeds the 4sqm rule will not warrant the same police response as groups of young persons in excess of 10 mingling together and socialising in these areas.

CLOSURES & RESTRICTED ACTIVITIES

A. Closed Places

The Health Minister directs that from 15 May 2020 the following places must be closed

Place	Except for
Pubs, registered clubs and casinos	<p>Accommodation, and food and drinks premises contained therein (maximum 10 people seated) plus takeaway.</p> <p>If the premises has a bowling green, the bowling green can be used for lawn bowling up to a maximum of 10 persons on the green at any time, excluding any staff or game officials. Every individual on the bowling green must maintain physical distancing, where practicable and safe, of 1.5 metres (except members of the same household). The licensee of the pub or registered club must take reasonable steps to record the name and phone number of each person on the premises to play lawn bowls.</p>
Food and drinks premises (including in pubs, registered clubs, casinos etc.), micro-breweries, small distilleries and cellar door premises	<p>Takeaway, and no more than 10 persons consuming food or drinks on the premises. Alcohol must be sold with food in an area for eating on the premises. Gaming areas remain closed</p> <p>If the premises are part of an accommodation facility, food and drinks can be sold for consumption in-room</p> <p>May also be used as a wedding, funeral or memorial service venue, including receptions, subject to the “places of public worship” restrictions – see below. For a funeral, 20 persons can be served food and alcohol.</p> <p>Food courts for takeaway only</p>
Places of public worship	<ol style="list-style-type: none"> 1. If private worship - no more than 10 persons; 2. If a wedding service (indoor or outdoor) - no more than 10 persons, excluding the persons being married, those conducting or assisting in the service, one photographer and one videographer; 3. If an indoor funeral or memorial service – no more than 20 persons, excluding the persons conducting or assisting in the service; 4. If an outdoor funeral or memorial service – no more than 30 persons, excluding the persons conducting or assisting in the service; 5. If a religious service – no more than 10 persons, excluding the persons conducting or assisting in the service
Markets	Markets that predominantly sell food
Caravan parks and camping grounds (except to those who were staying at the premises before 26 March 2020 under a booking made before that date and that has not been extended after that date)	Permanent residents, overnight travellers, local workers, those without other permanent residence (incl. temporarily) and their visitors

Business premises that are spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours and massage parlours	Selling goods and gift vouchers, including for services redeemable at a later date. Remedial massage premises
Entertainment and amusement centres including cinemas, indoor recreation facilities including gyms	Drive-in cinemas (4sqm and 100/500 person rules do not apply, except in relation to any food and drinks premises on the premises)
Public outdoor swimming pools	No more than 10 persons in the pool at any time (note: more than 10 persons can be in the surrounding pool area subject to the 10-person gathering, 4sqm and 500/100 person rule)
Indoor swimming pools	Indoor swimming pools with a length of 25 metres or greater, for the purpose of allowing squad training to take place. Each lane can only have one swimmer in the lane at any time, and no more than 10 persons in the pool in total at any time. In any area for parents, family or carers, the 4sqm rule applies.
Betting agencies (except for 10 persons)	The occupier must take reasonable steps to ensure that there are no more than 10 customers in the betting agency at any time for the purpose of betting. If a betting agency is located within premises that are otherwise required to be closed, the occupier must take reasonable steps to prevent customers from accessing the closed premises. The 4sqm rule also applies.
Information and education facilities (such as art galleries and visitor centres, not education institutions such as schools and universities), community centres and National and Historic Houses Trust properties	No exceptions
Gaming lounges, sex services premises, strip clubs	No exceptions

Notes

- The recording or streaming of a virtual session in a gym, live performance from an entertainment facility or service from a place of worship is permitted if the venue is not otherwise open to the public.
- Facilities can stay open to host essential voluntary or public services to vulnerable people e.g. homelessness services and foodbanks or as an early education and care facility.
- Auction houses (for any type of auction) can be open to the public, but only for the purpose of or ancillary to conducting an auction including dropping off and picking up goods
- Liquor and Gaming NSW has advised that it will not be seeking to strictly enforce, where reasonable, compliance with the licencing conditions of food and drinks and other premises that prevent the sale of alcohol for consumption off the premises during this time.

B. “500/100 person” and “4sqm” rules

The Health Minister also directs that where premises are not required to close, the occupier or operator of those premises must not:

- (a) allow 500 persons or more to enter or stay on any outdoor premises at the same time;
- (b) allow 100 persons or more to enter or stay on any indoor premises at the same time;
- (c) allow persons to enter or stay on any premises (both outdoor and indoor) unless the size of the premises allows 4sqm of space for each person present (e.g. 100sqm of space is required for 25 persons).

The following places are exempt from the 500/100 person and 4sqm rules.

Exempt	Exempt where the gathering is for the normal operation of the place
A person's place of residence, up to maximum of 5 visitors including children. See note below for persons that don't count as "visitors"	Supermarkets, markets that predominantly sell food, grocery stores and shopping centres
Places of transit for the purposes of people transiting through that place (e.g. Pitt St Mall)	Other retail stores (4sqm rule continues to apply, however) (see note below)
Vehicles and public transportation facilities (e.g. stations, platforms, stops, truck stops)	Office buildings, mining and construction sites, farms, factories, warehouses and commercial fishing operation sites including commercial fishing vessels
Prisons, correctional facilities, youth justice centres and other places of custody	Airports, hospitals and medical or health facilities, disability and aged care facilities
Emergency services	Parliament, schools, universities and other education institutions, and child-care facilities (except for any events at those places that involve outside members of the community in addition to staff and students)
Courts and tribunals	Hotels, motels and other accommodation facilities
Vessels being used for a non-commercial purpose (e.g. private recreation) (but only from the 4sqm rule, and 1.5 metres physical distancing must be maintained where practicable)	
Drive-in cinemas, except for any food and drinks premises on the premises	

Note: "Other retail stores" are retail stores that are not supermarkets, markets that predominantly sell food, grocery stores and shopping centres. The 500/100 person rule does not apply, however the 4sqm rule does apply to these stores.

C. 5 Person Visitor Rule (At Places of Residence)

Each adult in a household must not allow more than 5 visitors to enter or stay in the place of residence at any one time, and must take reasonable steps to ensure that no more than 5 visitors are present in the place of residence of the household at any one time.

The following persons do not count as "visitors" for the "5 person visitor rule". Persons living at the residence; persons working at the residence (eg tradespersons, carers), movers/packers; persons facilitating access visits, weddings/funerals complying with the attendee limits.

Police have no general right of entry to a private residence to enforce the Health Minister's Direction.

GATHERINGS IN PUBLIC PLACES

A person must not participate in a gathering in a public place with more than 10 people (except if they are with other members of their household).

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

The following gatherings are **exempt** from the 10 Person Gathering Rule:

Exempt	Exempt (where used for normal purposes)
Gatherings with a person's household (family or flatmates)	Residential premises are not public places
Work	Transport in private vehicles, car share, public transport, platforms, stations, truck stops
Care/assistance for vulnerable persons	Airports
Weddings (no more than 10 persons excluding the persons getting married and the person conducting the wedding service) or funerals/memorial services (no more than 20 persons at indoor funerals and 30 persons at outdoor funerals – not including those persons conducting or assisting with the funeral). Places of worship for a religious service (no more than 10 persons excluding the person conducting the service) or private worship. Note: A person participating in a wedding, funeral, memorial or religious service must provide their name and contact details to the occupier (indoor) or person conducting the service (outdoor) and that person must keep a record of all persons at the service (for private worship at a place of public worship, this should be done by the occupier of the premises).	Hospitals, health care, disability & aged care
Moving house or business	Correctional facilities, youth justice
Providing emergency assistance to a person	Supermarkets, food markets, grocery stores and shopping centres
Emergency services	Retail stores (4 sqm rule applies)
Going to court, getting legal advice or fulfilling a legal obligation	Schools, universities, educational facilities, childcare
Parliament where used for normal purposes	Office buildings, factories, mines, farms, construction sites, warehouse, commercial fishing operations
Food and drink premises (including at pubs and clubs) selling food or beverages for not more than 10 persons at any time to consume on the premises (4 sqm rule per person still applies). Alcohol to be served only with, or ancillary to, food served in an area for eating on the premises. Take-aways still permitted	Hotels, motels, other accommodation facilities
For the purposes of conducting or attending an auction including at an auction house	Outdoor space for the purpose of transit

Real estate properties (incl. display homes) to view or inspect for the purposes of sale or lease.	
Squad swimmers, trainers and coaches, staff, family, parents and carers of squad swimmers at an indoor swimming pool for the purpose of squad training	
Persons using a bowling green attached to a pub or club to play lawn bowls, provided there are no more than 10 persons playing bowls plus staff and officials	
Persons attending a drive-in cinema, including staff	

POLICE RESPONSE

The appropriate response will depend on your reasonable assessment of the size and nature of any gathering, and in any other case the nature of the breach. A measured and proportionate response is expected and you should exercise your discretion where appropriate. Police are expected to educate, assist and protect the public. If in doubt, seek legal advice.

You may direct a person to provide their name and address (s 112 *Public Health Act*) if the person is suspected to have contravened a Ministerial Direction. Police must still comply with the LEPRA safeguards when exercising this power. If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under LEPRA s99(1)(b)(iii) to establish identity and issue a CAN. However, consider your own safety before proceeding.

A common response to an alleged breach of the Ministerial Direction may be:

- (a) **Explain** the importance of the Health Minister’s restrictions. Seek their cooperation and compliance.
- (b) **Warn** them that they are breaching the Health Minister’s Directions and committing a criminal offence.
- (c) If the offence **continues** after you have provided a warning (and reasonable time to respond), consider issuing a PIN in the normal manner.
- (d) Put a COPS Event on the system including the action you have taken (use COPS incident category “Miscellaneous”, sub-category “Public Health Act”, operation name “Corona Virus 2020” and associated factor “Pandemic”).
- (e) A CAN may be an appropriate response in some circumstances. However, notify the **POC during business hours (9215 3029 / E/net 23029) or the State Coordinator after-hours (9265 4408 / E/net 54408)** and seek legal advice before proceeding.
- (f) There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister’s Direction. Nevertheless, you may have no other option but to arrest under s 99 of LEPRA. This should be a last resort.

STOP: A CAN should NOT be issued without first advising the POC or State Coordinator.

This Fact Sheet does not replace a person’s responsibility to comply with the Health Minister’s Incoming Traveller Quarantine Direction (Issue 1), Diagnosed Person Self Isolation Direction (Issue 5) or Air Transportation Quarantine Direction (Issue 7).

OFFENCES & PENALTIES

Police officers can issue a Penalty Notice or issue a CAN. You must prove that the person has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

PENALTY NOTICE	Offence Code	On the Spot Fine
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	895638	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

PRIVACY

**IF IN DOUBT,
ASK!**

STAY SAFE

Health Minister's COVID-19

Restrictions on Gatherings, Closures & Activities

Public Health Act 2010 (NSW)**CLOSURES AND GATHERINGS**

The *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 3) 2020* commenced on 1 June 2020, which eases previous restrictions. The following key rules now apply:

- Generally, **individual groups of up to 10 persons** (or more if from the same household) may gather in public places for any reason (**stay at home rule revoked**).
- More than 10 persons may gather in public places where an exemption applies (work, shopping centres, public transport, open houses, display homes, auctions etc).
- Up to **5 visitors** at home plus residents (and workers eg a tradesperson).
- Entertainment facilities remain closed, except for drive-in cinemas.
- Indoor physical centres including gyms are closed.
- Outdoor physical activity for up to 10 people is permitted, including at bootcamps, outdoor gym equipment & 10 swimmers in outdoor public swimming pools at any one time.
- Libraries, museums, art galleries, visitor information centre - no more than allowed by the 4sqm rule (including staff).
- Betting agencies can open for up to the lesser of 10 people or the number permitted by the 4sqm rule.
- Weddings may have up to 20 guests in addition to the couple being married, the celebrant and assistants, one photographer, one videographer
- Funerals and memorial services may have up to 50 mourners.
- Religious services (not including person conducting the service or those assisting) or private worship for up to 50 people at places of worship (excluding the persons conducting the service where applicable).
- Beauty therapy can open for up to the lesser of 10 people or the number permitted by the 4sqm rule.
- Tattoo parlours, spas and massage parlours can open for retail sale only - no more than allowed by the 4sqm rule (including staff).
- Zoos and aquariums - no more than allowed by the 4sqm rule, excluding animal enclosures.
- Holidays in regional areas now permitted.

Certain premises remain closed.

See the following pages for common scenarios, and more detailed information regarding the following FAQ's:

What premises are required to close and what are the exemptions?

What premises are allowed to be open and under what conditions?

What are the 4sqm and 500/100 person rules?

What is meant by the 5 person visitor rule at residential premises?

What is the 10 person gathering rule and what are the exemptions?

What is a typical police response and what are the applicable penalties?

COMMON SCENARIOS & EXAMPLES

SITUATION	STANDARD RESPONSE
House party	<p>You have no general right of entry to a private residence to enforce the Health Minister's Direction.</p> <p>If you receive a complaint of a large gathering on private premises, you should speak with the owner/occupier and remind them of their obligations and seek their compliance.</p> <p>Each person who is an adult member of a household must not allow more than 5 visitors to enter or stay in the place of residence at any one time, and must take reasonable steps to ensure that no more than 5 visitors are present in the place of residence of the household at any one time. Only adult members of the household can be criminally liable under this rule.</p> <p>If the party has or is producing offensive noise, consider issuing a Noise Abatement Direction under s 276 of the <i>Protection of the Environment Operations Act 1997</i>.</p> <p>If you are lawfully on premises (e.g. by invitation from the owner/occupier/person apparently in charge), you may use your power under s 112 of the <i>Public Health Act</i> to demand a person's name and address whom you suspect has contravened the Direction (but again this would only be adult members who you suspect reside at the household). A person who fails to comply with a direction to give their name/address, or who provides false or misleading name/address information may be arrested and CAN issued.</p> <p>Persons under 18 years of age cannot be criminally liable for a breach of the 5 Person Visitor Rule, nor can adults who do not reside at the household.</p>
Large congregation in a Park	<p>If the group exceeds 10 persons (or is a group not from the same household), all persons may be in breach of the 10 Person Gathering Rule.</p> <p>Use your discretion appropriately. A group of 11 persons sitting quietly having a chat in the park, for example, would not warrant the same police response as a group of rowdy young adults causing a disturbance.</p>
Large group of school students in a public park during school hours	<p>It is not uncommon for school students to be in public parks (they're used in inner city schools that don't have a lot of space in their school grounds) – check if an exemption has been granted. Once students leave school grounds they are captured by the 10 Person Gathering Rule.</p> <p>The School Principal should be advised that they can apply for an exemption via the Health Minister if they support the practice. In the meantime, the students should be dispersed and sent back to the school grounds.</p>
Approximately 500 people or more in a public outdoor	<p>Local Councils will be responsible for ensuring there are no more than 500 people in these spaces. Generally, a common sense approach will be used to determine what area constitutes a single outdoor space which can</p>

<p>space such as Bondi Beach or Bondi Beach Park.</p>	<p>accommodate up to 500 people. If concerns arise for these areas, contact the POC and seek guidance. The cooperation of the relevant council will generally be sought and a joint response likely.</p>
<p>Large group of people travelling in a vehicle</p>	<p>The 10 Person Gathering Rule does not apply to travel. A group of more than 10 persons in a mini-van or small bus, for example, cannot be criminally liable for a breach of the Health Minister's Direction.</p>
<p>Large groups in supermarkets & shopping centres</p>	<p>Supermarkets, retail stores and shopping centres are exempt from the 10 Person Gathering Rule. However, this is only to the extent necessary for the normal operation of those places. A group of more than 10 teenagers in a shopping centre, who are sitting together, are not there in a manner that fosters the normal operation of the shopping centre. They should be warned and moved-on.</p>
<p>Homeless people sleeping in groups</p>	<p>Police are not to separate homeless persons who sleep in groups of more than 10, as this is generally done for their own safety. Police are not to intervene with homeless people for sleeping or congregating in groups, unless a breach of the peace is occurring or likely to occur. Police can, however, educate the homeless and promote the Government's Social Distancing Policy (1.5m) if there appears to be non-compliance with it.</p>
<p>Soup Kitchens</p>	<p>Police are not to intervene with persons at Soup Kitchens, unless a breach of the peace is occurring or likely to occur. A gathering to provide care or assistance to a vulnerable person is exempt from the 10 Person Gathering Rule. Similarly, Soup Kitchens are permitted to serve meals on premises to assist vulnerable members of the public. Community centres are allowed to open for the purposes of operating soup kitchens but must comply with the 4sqm rule. Police should not intervene other than to reinforce the Government's Social Distancing Policy (1.5m) if there appears to be non-compliance with it.</p>
<p>Large number of persons in pubs, clubs or casinos.</p>	<p>A maximum of 50 customers per seated food or drink area can be present on the premises (provided there is no more than 1 person for each 4sqm of space on the premises). It can be for the consumption of food or drinks or access to goods other services such as poker machines or gaming tables. E.g. a registered club with 3 separate food areas with seating plus 2 separate bar areas with seating can have 250 persons on the premises (provided there is sufficient space for at least 1 person per 4sqm of space). The customers do not have to be confined to these areas and can move around freely between services, e.g. between poker machines to eating and bar areas. The club must have a COVID-19 safety plan in place and customer details (incl contact numbers) must be provided by the customer and recorded by the operator/occupier of the premises. Any potential non-compliance should be discussed with the POC prior to taking any action.</p>
<p>Group of persons playing lawn bowls on a bowling green while 50 others are in the attached club or pub</p>	<p>A maximum of 10 persons can be on a green to play lawn bowls on any bowling green at a pub or club, plus any staff or officials. This number does not count towards the 50 person limit per separate and seated food or drink area inside the club/pub. Any breach should be discussed with the operator of the premises and their compliance sought at first instance.</p>

<p>Large group of persons in a restaurant</p>	<p>Up to 50 persons for each existing, separate and seated food or drink area within the restaurant is permitted. The owner/occupier must ensure that the total number of persons on the premises allows for 4sqm of space for each person other than staff members in the restaurant.</p> <p>If the number slightly exceeds this, appropriate police action should be to remind the owner/occupier of the 50-person limit per separate food or drink area so that some patrons can be asked to leave.</p>
<p>Persons on a private boat for recreation</p>	<p>Boats being used for a non-commercial purpose are exempt from the 4sqm rule, however persons on the boat must maintain physical distancing of 1.5 metres where practicable unless they are members of the same household.</p>
<p>Commercial vessels</p>	<p>Commercial vessels are exempt from the 10 person gathering and the 4sqm rules. Where the commercial vessel is being used for a diving, snorkelling or whale, dolphin or other marine animal watching tour, the persons on the boat must maintain physical distancing of 1.5 metres where practicable unless they are members of the same household.</p>
<p>Outdoor public swimming pools</p>	<p>Outdoor public swimming pools can be open to the public, however only 10 persons are permitted to swim in the pool at any time. Other persons can occupy the areas around the pool, such as seating and change areas, however the 4sqm and 500/100 person rules apply to these other areas. Where many more than 10 persons are in the pool at the same time, appropriate police action in the first instance may be to remind the occupier of this rule so some persons can be asked to exit the pool.</p>
<p>Skate parks, outdoor gym equipment, outdoor playground equipment</p>	<p>These premises may be open to the public. The 10 person gathering, 4sqm and 500/100 person rules apply. Discretion should be used appropriately. A number of individual skateboarders/playground users that slightly exceeds the 4sqm rule will not warrant the same police response as groups of young persons in excess of 10 mingling together and socialising in these areas.</p>
<p>Protests</p>	<p>People gathering in groups of more than 10 people for the purpose of protest may be in breach of the 10 person gathering rule, particularly if the protest has not been authorised through the statutory framework for public assemblies. Advice should be sought from the POC before any enforcement of the public health orders is taken in relation to protests.</p>

CLOSURES & RESTRICTED ACTIVITIES

A. Closed Places

The Health Minister directs that from 1 June 2020 the following places must be closed to the public:

PLACES THAT MUST BE CLOSED	
Place	Except for
Amusement centres	Nil.
Sex services premises and strip clubs	Nil.
Indoor recreation facilities including gyms, squash courts and health studios.	The recording or live streaming of a virtual session if the venue is not otherwise open to the public.
Entertainment facilities including cinemas	The recording or live streaming of a performance if the venue is not otherwise open to the public.
Markets	Markets that predominantly sell food.
Community centres	Providing a service to assist vulnerable members of the public such as a food bank or service for the needs of the homeless, or for counselling and support group services (in which case the 4sqm rule applies including staff), or as an early education and care facility.
Public indoor swimming pools	Indoor swimming pools with a length of 25 metres or greater, for the purpose of allowing squad training to take place. Each lane can only have one swimmer in the lane at any time, and no more than 10 persons in the pool in total at any time. The 4sqm rule applies in other areas of the indoor pool premises (including staff).

The Health Minister directs that from 1 June 2020 the following places may be open to the public, subject to the person limits and other conditions listed in the table (**NOTE:** except for any staff members, no person on any premises referred to in the table may be in an individual group of more than 10 persons, unless otherwise stated):

PLACES THAT MAY BE OPEN		
Place	Person limit	Conditions
Aquariums	No more than allowed by the 4sqm rule (including staff), excluding animal enclosures.	Any indoor cinema on the premises must be closed to the public. Must have a COVID-19 safety plan.
Auction houses	4sqm and 100/500 person rules apply.	Auction houses conducting an auction for goods other than food, livestock, fibre or real property must have a COVID-19 safety plan.
Betting agencies	The lesser of 10 customers, or the total number allowed by the 4sqm rule (excluding staff).	Must have a COVID-19 safety plan.
Caravan parks and camping grounds	Nil.	Must have a COVID-19 safety plan.

Drive-in cinemas	Nil.	Must have a COVID-19 safety plan.
Holiday homes and holiday rentals	No more than 10 persons, unless members of the same household.	Nil.
Information and education facilities such as an art gallery, museum, library, and visitor information centre	The total number allowed by the 4sqm rule (including staff).	Any indoor cinemas, theatres or theatrettes must not be open to the public. Must have a COVID-19 safety plan.
Nail salons, beauty salons, waxing salons and tanning salons	The lesser of 10 customers or the total number allowed by the 4sqm rule (including staff).	Must have a COVID-19 safety plan.
National parks and state forests.	Nil.	Nil.
Places of public worship	<p>If a wedding service or gathering immediately after - no more than 20 guests, excluding the persons being married, those conducting or assisting in the service, one photographer and one videographer.</p> <p>If a funeral or memorial service or gathering immediately after – no more than 50 persons, excluding the persons conducting or assisting in the service.</p> <p>If a religious service – no more than 50 persons, excluding the persons conducting or assisting in the service.</p> <p>For private worship - the lesser of 50 persons or the total number allowed by the 4sqm rule.</p>	<p>May be open to the public only for a wedding, funeral, memorial, religious service or private worship.</p> <p>A person attending a wedding, funeral, memorial or religious service or gathering immediately after must provide their name and contact details to the occupier of the premises, and the occupier must record the names and contact details of these persons.</p>
Properties operated by the National Trust or the Historic Houses Trust	No more than the total number allowed by the 4sqm rule (including staff).	Must have a COVID-19 safety plan.
Public outdoor swimming pools	No more than 10 persons permitted to swim in the pool at any time. The 4sqm rules applies to other areas of the outdoor pool premises (including staff).	Nil.

Major recreation facilities such as sports stadiums, racecourses, theme parks showgrounds and motor racing tracks	No more than 10 persons (excluding persons engaged in work).	Nil.
Retail stores (other than a supermarket, market that predominantly sells food or grocery store).	No more than the total number allowed by the 4sqm rule.	Nil.
Spas, tattoo parlours and massage parlours	No more than the total number allowed by the 4sqm rule (including staff).	Can only open for retail sale of goods and gift vouchers, except for remedial massage.
Zoological parks and reptile parks	No more than allowed by the 4sqm rule (including staff), excluding animal enclosures.	Any indoor cinema on the premises must be closed to the public. Must have a COVID-19 safety plan.
Food and drinks premises (including food courts), pubs, registered clubs, casinos and micro-breweries/small distilleries	See Fact Sheet 11.	See Fact Sheet 11.

Notes

- Facilities can stay open to host essential voluntary or public services to vulnerable people e.g. homelessness services and foodbanks, or to provide counselling and support group services or as an early education and care facility.
- Liquor and Gaming NSW has advised that it will not be seeking to strictly enforce, where reasonable, compliance with the licencing conditions of food and drinks and other premises that prevent the sale of alcohol for consumption off the premises during this time.
- A COVID-19 safety plan is a plan for the premises that addresses the matters required by the COVID-19 safety checklist issued by the Chief Health Officer in relation to the type of premises and published on an appropriate Government website. If it is a condition that a premise has a COVID-19 safety plan, it must be kept on the premises and be available for inspection by an authorised officer upon request.

B. “500/100 person” and “4sqm” rules

The Health Minister also directs that where premises are not required to close, the occupier or operator of those premises must not:

- (a) allow 500 persons or more to enter or stay on any outdoor premises at the same time;
- (b) allow 100 persons or more to enter or stay on any indoor premises at the same time;
- (c) allow persons to enter or stay on any premises (both outdoor and indoor) unless the size of the premises allows 4sqm of space for each person present (e.g. 100sqm of space is required for 25 persons).

The following places are exempt from the 500/100 person and 4sqm rules.

Exempt	Exempt where the gathering is for the normal operation of the place
A person's place of residence, up to maximum of 5 visitors including children. See note below for persons that don't count as "visitors".	Supermarkets, markets that predominantly sell food, grocery stores and shopping centres.
Places of transit for the purposes of people transiting through that place (e.g. Pitt St Mall).	Other retail stores (4sqm rule continues to apply, however) (see note below).
Vehicles and public transportation facilities (e.g. stations, platforms, stops, truck stops).	Office buildings, mining and construction sites, farms, factories, warehouses, commercial fishing operation sites.
Prisons, correctional facilities, youth justice centres and other places of custody.	Airports, hospitals and medical or health facilities, disability and aged care facilities.
Emergency services.	Parliament, schools, universities and other education institutions, and child-care facilities (except for any events at those places that involve outside members of the community in addition to staff and students).
Courts and tribunals.	Hotels, motels and other accommodation facilities.
Vessels, including both commercial and non-commercial vessels. If the vessel is being used for a non-commercial purpose (e.g. private recreation) or is a diving, snorkelling or marine animal watching tour, 1.5 metres physical distancing must be maintained between persons where practicable unless members of the same household.	
Drive-in cinemas, food courts, National Parks and State Forests.	

Note: "Other retail stores" are retail stores that are not supermarkets, markets that predominantly sell food, grocery stores and shopping centres. The 500/100 person rule does not apply, however the 4sqm rule does apply to these stores.

C. 5 Person Visitor Rule (At Places of Residence)

Each adult in a household must not allow more than 5 visitors to enter or stay in the place of residence at any one time and must take reasonable steps to ensure that no more than 5 visitors are present in the place of residence of the household at any one time.

The following persons do not count as "visitors" for the "5 person visitor rule". Persons living at the residence; persons working at the residence (e.g. tradespersons, carers), movers/packers; persons facilitating access visits, weddings/funerals complying with the attendee limits; persons there because of an emergency or for compassionate reasons; or to escape a risk of harm.

Police have no general right of entry to a private residence to enforce the Health Minister's Direction.

GATHERINGS IN PUBLIC PLACES

A person must not attend a public event, or gather in a public place, as part of a group of more than 10 persons (except if they are all members of the same household).

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

The following gatherings are **exempt** from the 10 Person Gathering Rule:

Exempt	Exempt (where used for normal purposes)
Auction houses and betting agencies, caravan parks and camping grounds, aquariums, zoological and reptile parks, casinos, community centres, drive-in cinemas, food and drinks premises (including food courts), pubs, registered clubs, micro-breweries, small distilleries and cellar door premises, information and education facilities, nail salons, beauty salons, waxing salons and tanning salons, National Parks and state forests, places of public worship, properties operated by the National Trust or the Historic Houses Trust, public indoor and outdoor swimming pools, retail stores, spas, tattoo parlours and massage parlours.	Residential premises are not public places.
Gatherings with a person's household (family or flatmates).	Transport in private vehicles, car share, public transport, platforms, stations, truck stops.
Work.	Airports.
Care/assistance for vulnerable persons.	Hospitals, health care, disability & aged care.
Weddings or gatherings immediately after (no more than 20 persons excluding the persons getting married, the person/s conducting the wedding service, one photographer and one videographer), funerals/memorial services or gatherings immediately after (no more than 50 persons excluding those persons conducting or assisting with the funeral or service) and religious services (no more than 50 persons excluding the person/s conducting the service). Note: A person participating in a wedding, funeral, memorial or religious service or a gathering immediately after must provide their name and contact details to the person conducting the service (outdoor) or the occupier of the premises (indoor) and that person must keep a record of all persons at the service.	Correctional facilities, youth justice.
Moving house or business.	Supermarkets, food markets, grocery stores and shopping centres.
Providing emergency assistance to a person.	Retail stores (4sqm rule applies).
Emergency services.	Schools, universities, educational facilities, childcare.
Going to court, getting legal advice or fulfilling a legal obligation.	Office buildings, factories, mines, farms, construction sites, warehouse, commercial fishing operations and commercial vessels.
Parliament where used for normal purposes.	Hotels, motels, other accommodation facilities.

Food and drink premises (including at pubs, clubs, casinos) to cater for not more than 50 persons for each existing and separate food or drink area (4 sqm rule per person still applies). Poker machines and gaming tables permitted to be used by customers who are on the premises but are included in the above count. See Fact Sheet 11 for more information.	Outdoor space for the purpose of transit.
For the purposes of conducting or attending an auction including at an auction house.	
Real estate properties (incl. display homes) to view or inspect for the purposes of sale or lease.	
Persons using a bowling green attached to a pub or club to play lawn bowls, provided there are no more than 10 persons playing bowls plus staff and officials.	
Persons attending a drive-in cinema, including staff.	

POLICE RESPONSE

The appropriate response will depend on your reasonable assessment of the size and nature of any gathering, and in any other case the nature of the breach. A measured and proportionate response is expected and you should exercise your discretion where appropriate. Police are expected to educate, assist and protect the public. If in doubt, seek legal advice.

You may direct a person to provide their name and address (s 112 *Public Health Act*) if the person is suspected to have contravened a Ministerial Direction. Police must still comply with the LEPRA safeguards when exercising this power. If a person refuses to provide name and address, as a matter of practicality, you may need to use your power of arrest under LEPRA s99(1)(b)(iii) to establish identity and issue a CAN. However, consider your own safety before proceeding.

A common response to an alleged breach of the Ministerial Direction may be:

- (a) **Explain** the importance of the Health Minister’s restrictions. Seek their cooperation and compliance.
- (b) **Warn** them that they are breaching the Health Minister’s Directions and committing a criminal offence.
- (c) If the offence **continues** after you have provided a warning (and reasonable time to respond), consider issuing a PIN in the normal manner. Seek advice from the POC before issuing a PIN.
- (d) Put a COPS Event on the system including the action you have taken (use COPS incident category “Miscellaneous”, sub-category “Public Health Act”, operation name “Corona Virus 2020” and associated factor “Pandemic”).
- (e) A CAN may be an appropriate response in some circumstances. However, notify the **POC during business hours (9215 3029 / E/net 23029) or the State Coordinator after-hours (9265 4408 / E/net 54408)** and seek legal advice before proceeding.
- (f) There are no specific arrest powers under the *Public Health Act* for breaching a Health Minister’s Direction. Nevertheless, you may have no other option but to arrest under s 99 of LEPRA. This should be a last resort.

STOP: Legal Action should NOT be taken without first advising the POC/ State Coordinator.

This Fact Sheet does not replace a person’s responsibility to comply with the Health Diagnosed Person Self Isolation Direction (Issue 5) or Air Transportation Quarantine Direction (Issue 7).



OFFENCES & PENALTIES

Police officers can issue a Penalty Notice or issue a CAN. You must prove that the person has notice of the Direction, and without reasonable excuse, failed to comply with the Direction.

PENALTY NOTICE	Offence Code	On the Spot Fine
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - individual	95638	\$1,000
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 - corporation	895638	\$5,000
COURT ATTENDANCE NOTICE	Law Part Code	Penalty
Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 (individual or corporation)	95638	Individual - max. 6 months imprisonment and/or \$11,000 fine. \$5,500/day offence continues Corporation - max. 6 months imprisonment and/or \$55,000 fine. \$27,500/day offence continues

PRIVACY

IF IN DOUBT, ASK!

STAY SAFE



**Health Minister's COVID-19
 Restrictions on Gatherings, Closures & Activities
 Public Health Act 2010 (NSW)**

**CLUBS | PUBS | CASINOS
 FOOD & DRINK PREMISES**

The *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 3) 2020* commenced on 1 June 2020, which eases previous restrictions. The following key rules now apply with respect to clubs, pubs, casinos, micro-breweries, small distilleries and other food and drink premises.

Premises	Limitation on Number of Persons on Premises
Food and drink premises	50 customers per existing separate seated food or drink area or number calculated by 4 sqm rule not including staff members <u>whichever is less</u> Venue to ensure no individual group exceeds 10 people (except wedding/funeral groups) Food courts are open but no seating
Pubs, clubs, bars, nightclubs Micro-breweries, small distilleries holding a drink on-premises authorisation under the <i>Liquor Act 2007</i> or cellar door premises	To access goods or services (excluding accommodation services): 50 customers per existing separate food <u>or</u> drink areas or the number calculated by 4 sqm rule other than staff members <u>whichever is less</u> . Persons playing lawn bowls not counted in the 50 Venue to ensure no individual group exceeds 10 people (except wedding/funeral groups) Customers can fully utilise the premises subject to social distancing and other requirements of venue
Casinos	To access goods or services (excluding accommodation services): 50 customers per existing separate food <u>or</u> drink areas or the number calculated by 4 sqm rule other than staff members <u>whichever is less</u> Venue to ensure no individual group exceeds 10 people (except wedding/funeral groups) Customers can fully utilise the premises subject to social distancing and other requirements of venue.

IMPORTANT: A venue's capacity may exceed 50 customers depending on how many separate seated drink or food areas it has. A large club, for example, may have 8 of these areas and therefore would have a venue capacity capped at 400 (provided there is compliance with the 4 sq metre rule).

Note: Police should continue to take a measured approach to enforcement and assist businesses if the public is unco-operative. Compliance agencies (including NSW Food Authority, Liquor & Gaming, NSW Health will take primary responsibility for engaging with business operator/owners).

CONSULT THE POC BEFORE ISSUING A PIN OR CAN (92153121 | E/N 23121)