

PUBLIC HEALTH ACT 2016 (WA)

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

MASS GATHERINGS DIRECTIONS (NO 2)

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

On 16 March 2020, the Minister for Health declared a public health state of emergency with effect from 12 a.m. on 17 March 2020 in respect of COVID-19 pursuant to section 167 of the *Public Health Act 2016* (WA) (**Act**). The public health state of emergency applies to the State of Western Australia.

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

DIRECTIONS

Preamble

1. The purpose of these directions is:
 - (a) to revoke the Mass Gatherings Directions that I made on 18 March 2020; and
 - (b) to prohibit (and, for that purpose, better define) non-essential mass gatherings in order to prevent, control or abate the serious public health risk presented by COVID-19 by limiting the spread of COVID-19.

Citation

2. These directions may be referred to as the **Mass Gatherings Directions (No 2)**.

Commencement

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

Revocation of the Mass Gathering Directions

4. The Mass Gatherings Directions that I made on 18 March 2020 are revoked.

Directions

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

Definition of mass gathering

8. A **mass gathering** means:
 - (a) a gathering of five hundred (500) or more persons in a single undivided **outdoor space** at the same time; or
 - (b) a gathering of one hundred (100) or more persons in a single undivided **indoor space** at the same time; or
 - (c) a gathering of two or more persons in a single undivided outdoor space or a single undivided indoor space at the same time, where there is not at least 4 square metres of space for each person at the gathering,
Example: a gathering of 10 persons in a single undivided outdoor or indoor space at the same time is a mass gathering if the space is not at least 40 square metres in area

but does not include a gathering:

- (d) at an airport that is necessary for the normal business of the airport; or
- (e) for the purposes of or related to public transportation, including in vehicles or at public transportation facilities such as stations, platforms and stops; or
- (f) at a medical or health service facility that is necessary for the normal business of the facility; or
- (g) for the purposes of emergency services; or
- (h) at a disability or aged care facility that is necessary for the normal business of the facility; or
- (i) at a prison, detention centre, lock up or other place of custody for the purposes of or related to the operation of that place of custody; or
- (j) at Parliament for the purposes of its normal operations; or
- (k) at a food market, supermarket, grocery store, retail store or shopping centre that is necessary for the normal business of those premises; or

- (l) at an office building, factory, mining site (including mining site accommodation), construction site or other place of work that is necessary for the normal business of those premises, except premises described in paragraph 8(m); or
- (m) at a school, university, educational institution or childcare facility that is necessary for the normal business of the facility; or
- (n) at a hotel, motel or other accommodation facility that is necessary for the normal operation of accommodation services; or
- (o) at an outdoor place where a gathering of persons which would otherwise constitute a mass gathering may be present for the purpose of transiting through the place; or
Example: Forrest Place, Perth
- (p) at an indoor place where a gathering of persons which would otherwise constitute a mass gathering may be present for the purpose of transiting through the place; or
Examples: Perth Busport; an elevator or lift
- (q) at an indoor place that is a place of residence where everyone in the gathering of persons at that place usually reside at that place; or
- (r) specified as exempt from this direction by the Chief Health Officer in writing.

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

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

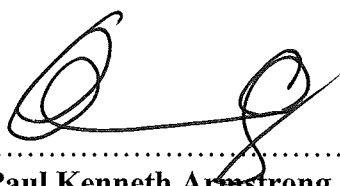
Other definitions

10. **Indoor space** means an area, room or premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of them are —
- (a) permanent or temporary; or
 - (b) open or closed.

11. **Outdoor space** means a space that is not an indoor space.
12. **Premises** has the same meaning as it has in section 4(1) of the Act.

PENALTIES

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



.....
Dr Paul Kenneth Armstrong

Emergency Officer

20 March 2020