

# First Nations Guide to COVID-19 Laws - ACT

2 November 2020



Governments have introduced wide-ranging temporary measures to help prevent the spread of coronavirus (COVID-19) and keep communities safe. The Police have powers to enforce these public health directions.

This may change your daily life and what communities can do together.

This information sheet explains the public health directions in the ACT and the powers of the police.

Directions and police powers are changing regularly and so it is important to check for any updates.

## A. Public health laws - Social distancing and travel within communities

### What am I able to do?

In the ACT, there is no formal rule requiring you to stay home unless you are an affected person, for example if you are an interstate traveller, have been in a COVID-19 identified hotspot, have been in close contact with a person diagnosed with COVID-19, or have been ordered to do so by an authorised medical officer. You are now able to perform most activities, as long as formal restrictions on numbers and social distancing is followed. You are encouraged to stay home if you feel unwell. With physical distancing in place and up to 200 people in an enclosed space (depending on the size of the area), you can:

- visit cafes, restaurants and other hospitality venues;
- attend gyms, swimming pools, health clubs, fitness and wellness centres;
- play indoor social sport;
- visit galleries, libraries, museums, outdoor attractions;
- attend places of worship;
- attend beauty salons and other personal services;
- visit large indoor seated venues such as Canberra Theatre and Llewellyn Hall;
- visit enclosed outdoor venues such as GIO Stadium and Manuka Oval;
- visit an indoor or outdoor cinema.

### What do I have to do if I go outside of the home?

If you leave the house, you cannot gather together with more than 200 people (including children). You should avoid large groups of people, wherever possible.

It is also important that you maintain physical distancing practices between you and those not in your household. **Physical distancing** means separating yourself from other people as much as possible and avoiding crowded places.

You should:

- keep a distance of approx. 1.5 metres between you and everyone else;
- practice good hygiene such as washing your hands regularly for 20-30 seconds, covering your mouth and nose when coughing and sneezing and avoid touching your eyes, nose and mouth;
- stay away from crowds and large public gatherings;
- not shake hands, hug, or kiss other people; and
- not visit vulnerable people, such as the elderly or people who are sick.

If you are inside, there must be physical distancing of 1 person per 4 square metres. If you are outside, there must be physical distancing of 1 person per 2 square metres.

### What about family in other houses, can we visit each other?

Yes, you can visit family in other houses. There are no longer any limitations on household visitation but all gatherings must not exceed 200 people, as per the indoor and outdoor gathering restrictions, and must follow physical distancing rules.

A household means people who normally live together in the same house.

### What if I am homeless?

If you are required to self-isolate and you are experiencing homelessness or staying in overcrowded housing, you may be able to access emergency accommodation.

You can seek assistance by calling the COVID information line on (02) 6207 7244.

### What if I don't feel safe in my home?

Government directions do not stop you from leaving your home if you are unsafe. If you don't feel safe in your home, you may be eligible for a rehousing program, flexible support packages or other support.

A variety of community services are still open and may be able to offer you support over the phone, email or by video call.

### When do I have to self-isolate or quarantine?

*If you are sick*, you should stay away from other people. If you have to "self-isolate", you must stay home and not see other people.

**Quarantine** means staying away from people if you may have been exposed to COVID-19. You might have to be in quarantine even if you are healthy.

You must quarantine if you have:

- returned to the ACT from overseas;
- returned to the ACT from Victoria (unless granted a specific exemption); or
- had close contact with a confirmed case of COVID-19.

You must stay at a suitable place, including either your usual place of residence or a hotel, until you are cleared by a medical officer.

You must **self-isolate** if you have been diagnosed with COVID-19. You must travel directly from the doctor to your home and stay there until clearance from self-isolation is given by an authorised medical officer.

If you have been in close contact with a person who has been diagnosed with COVID-19, you must self-

isolate until clearance is given by an authorised medical officer.

If you require medical treatment, you may go to the hospital (but should call the hospital before you go). After you leave the hospital, you should then travel directly to your home and stay there until you are cleared by an authorised medical officer.

When self-isolating you must also:

- tell any person who you have come into contact with that you have been diagnosed with COVID-19;
- listen to police officers or members of the ambulance service to produce proof of identification;
- not leave where you are staying except for obtaining medical care or medical supplies, in any other emergency situation; and
- not allow any other person to enter where you are staying unless they usually live there, are self-isolating there or are there for medical or emergency purposes.

### Can I care for Elders and older people?

Yes, you can care for Elders and older people. You should continue to practice social distancing, so keeping 1.5 metres distance between you wherever possible. Keep in mind that older people and people with serious medical conditions are at greater risk from COVID-19.

There are greater limits around visiting people in an aged care facility. If you do not work at the residential aged care facility or if it is not necessary for you to be there, you may only visit residents in an aged care facility:

- to provide care and support visit; or
- to provide end of life support for a resident.

Do not visit an aged care facility if you:

- you are self-isolating or quarantining;
- returned from interstate or overseas less than 14 days prior to your visit;
- had known contact with a person who has COVID-19 in the 14 days prior to your visit;

- have symptoms associated with COVID-19 or have been diagnosed with COVID-19;
- do not have an up-to-date vaccination against influenza;

### **Can we still get together outside for community events?**

Community can gather together in public in groups of up to 200 people inside or outside (as long as social distancing is followed and 1 person per 4 square metres is maintained for indoor spaces and 1 person per 2 square metres is maintained for outdoor spaces). Alternatively, up to 25 people are permitted in smaller indoor areas (whichever is greater). Medium-sized hospitality venues with total usable space between 101 and 200 square metres can have a maximum of 50 people throughout the venue (excluding staff).

This rule also applies to activities such as ceremonies, hunting and visiting cultural sites.

### **What about Sorry Business and funerals?**

Sorry Business and funerals can have up to 200 people attend. Everyone attending an indoor funeral must ensure that social distancing of 1 person per 4 square metres is maintained. Everyone attending an outdoor funeral must ensure that social distancing of 1 person per 2 square metres is maintained.

Alternatively, there can be a maximum of 50 people present (excluding staff and those conducting the service) across the whole venue.

A funeral may be held at a place of worship if these restrictions can be complied with.

### **What if I can't pay my rent?**

If you have lost your job, or you are making less money because of COVID-19, you should speak with your landlord as soon as possible about your options.

Landlords may be incentivised to reduce your rent in order to access government tax rebates.

You can still be evicted for other things, like damaging your property or not paying rent because of other reasons. Landlords are not allowed to increase rent at this time.

## **B. Police enforcement powers**

### **What powers do the police have?**

#### **On-the-spot fines**

ACT police can issue on-the-spot-fines for breaching COVID-19 directions. Fines can be up to \$8,000 (the maximum penalty). In practice, fines are likely to be around \$1,000. On the spot fines can be given to people aged 10 years and over.

#### **Do police have to issue a fine?**

No. Issuing a fine is not mandatory and police can decide not to give a fine. For example, police can decide to give you a warning instead. The ACT police have publicly stated that their priority is to educate individuals before issuing them with warnings and fines.

#### **Can I be arrested?**

Yes. If police suspect on reasonable grounds that someone has, or is committing an offence, they have the power to arrest. But they can only arrest if they are satisfied that the arrest is necessary (i.e. to prevent the further commission of the offence, to protect a person's safety or welfare, or because of the seriousness and nature of the offence). An arrest should always be a last resort, especially for minor offences.

#### **What do I have to do if approached by police? Do I need to provide proof of identification?**

A police officer can require you to provide your name and address if you are found in breach, or suspected breach, of a public health order. A failure to state your name and address when asked by police can result in a \$150 fine.

You can film your interaction with police in a public place if you are concerned about your rights.

#### **What if I want to appeal my fine?**

If you do not agree with a fine, deny you have committed the offence or wish to appeal or contest the fine, you can lodge an application for withdrawal or Notice to Dispute liability within 28 days after you were given the fine.

Withdrawal applications and dispute notices are referred to the ACT Magistrates' Court. It is best to seek legal advice before going to court - if you are unsuccessful the Court may order you to pay further costs.

### **I can't afford to pay my fine, what can I do?**

Criminal Infringement Notices cannot be withdrawn or waived on the basis of financial hardship or compassionate grounds.

The amount of the fine cannot be altered or reduced.

If you are struggling to pay your fine, your best option is to seek an extension of time to pay (see below).

### **Can I get an extension to pay my fine?**

You can request a withdrawal or an extension of the time to pay your Criminal Infringement Notice by lodging an online application within 28 days after the date of service. You can seek an extension for a period of 1-6 months and must provide a reason for the extension request.

You also have the option to make a partial payment or to pay in instalments via Direct Debit Request. This can be done by completing and submitting a Direct Debit request form to [MClisting@act.gov.au](mailto:MClisting@act.gov.au).

## **C. Restrictions on movement**

### **Are there any areas in the ACT that I am not allowed to go?**

There are no "designated areas" in ACT where you are not allowed to go because of COVID-19. Local governments may have their own restrictions, so make sure you double check before you travel. Stay home if you feel sick.

### **Can I cross the border from ACT to NSW or Victoria?**

You should check the laws in each state before you travel.

A person must not enter the ACT unless for emergency purposes or are exempt from the restrictions (for example, are law enforcement personnel). Anyone who arrives in the ACT from Victoria must quarantine for 14 days.

Travel from NSW is not restricted, but if you are travelling from a designated 'COVID-19 Interstate Hotspot', you must quarantine for 14 days immediately upon entry into the ACT.

## **D. Businesses**

### **How do the COVID-19 health laws affect me as a business owner?**

The ACT has declared a public health emergency. If you own a business, you must comply with Government directions for the duration of the public health emergency.

There are emergency requirements which apply to ACT business owners:

- Businesses which operate premises in the ACT must not allow or organise outdoor gatherings that exceed 1 person per 2 square metres or alternatively, no more than 200 people per usable outdoor space (whichever is lesser);
- Not allow or organise gatherings that exceed 25 people across the whole premises or the sum of 1 person per 2 square metres per usable outdoor space up to 200 people and 1 person per 4 square metres per usable indoor space up to 200 people (whichever is greater);and
- Non-essential businesses are not to operate unless they can observe physical distancing requirements and restrictions, develop and adhere to a COVID-19 Safety Plan, display a sign specifying the maximum occupancy of the business and ensure that a record of each person who attends the premises is kept.

Non-essential businesses include:

- Businesses which supply liquor on premises;
- Hotels;
- Cafés, restaurants, and canteens;
- Food courts;
- Gyms and fitness facilities;
- Organised sporting services and swimming pools;
- Community and youth centres;
- Places of worship;
- Libraries, galleries, museums, historic sites;
- Outdoor amusement parks or attractions;
- Cinemas, movie-theatres, and drive-in cinemas;
- Indoor/outdoor play centres or arcades;

- Betting agencies, gambling venues, or casinos;
- Concert venues, arenas, auditoriums, and theatres;
- Hairdresser and barbers;
- Nail salons, day spas, and beauty services;
- Tattoo salons;
- Auction houses;
- Strip clubs, nightclubs, and brothels.

For smaller sized venues, facilities and businesses a maximum number of 25 people across the whole venue (excluding staff) is permitted. For medium-sized hospitality venues with a total usable space between 101 and 200 square metres, a maximum of 50 people (excluding staff) are permitted throughout the venue.

For cinemas and movie theatres, up to 50% capacity of each theatre, up to 200 people, is permitted.

For large indoor seated venues with ticketed events, up to 50% capacity, up to 1000 people, is permitted.

For enclosed outdoor venues with permanent tiered seating or grandstands with ticketed events, up to 50% capacity, up to 1000 people, is permitted.

For GIO Stadium and Manuka Oval, up to 50% seated capacity is permitted. There are exceptions to these rules, so make sure you check the specific restrictions which apply to your business.

## E. Who to call for help or information?

The following service may be able to provide general COVID-19 information:

- **ACT COVID-19 Helpline:** (02) 6207 7244

### If you need to talk to someone about fines?

- Aboriginal Legal Service Centre (NSW/ACT): 1800 765 767 <https://www.alsnswact.org.au/>
- Legal Aid ACT: 02 9213 4100 <https://www.legalaidact.org.au/>

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*This guidance sheet is not a substitute for legal advice. You should contact a lawyer for specific legal advice or referral.*