

Factsheet for ACT

1. How many people can lawfully gather in public space, and are there any social distancing requirements while in public?

- A person must not attend a public gathering of more than 20 people.
- For all indoor public gatherings, social distancing of 1 person per 4 square metres is required.
- A person who owns, controls or operates non-residential premises must take reasonable steps to not allow or organise a gathering of more than 20 people to occur at the non-residential premises.

2. Are there any public transport restrictions?

Gatherings for the purpose of private or public transportation (such as being inside a vehicle or gathered at a station or platform) does not constitute a public gathering, and so the 20 person rule does not apply.

Gatherings of more than 20 people that are necessary for those people to transit through a place are also permitted.

3. Are protests specifically prohibited by any COVID-19 measures?

Protests are not expressly prohibited, but they are subject to restrictions on gatherings as set out above.

4. What are the penalties for breach of COVID-19 restrictions

There are penalties for failing to comply with any direction without reasonable excuse.

The maximum penalties for non-compliance with a direction are:

- for a natural person: \$8,000 (50 penalty units); or
- for a body corporate: \$40,500 (50 penalty units);
- for a utility:¹ \$1,620,000 (2,000 penalty units).

Authorised persons have powers to take all reasonable steps to ensure compliance and to direct a person to do such things as are reasonably necessary to comply with a direction.

This includes:

¹ A person licensed to provide a utility service, which ordinarily covers electricity, gas, water, sewerage or a prescribed utility service: 'utility' in Dictionary of *Public Health Act 1997* (ACT); 'utility' and 'utility service' in Dictionary of *Utilities Act 2000* (ACT).

- requiring a person to produce proof of identification;
- entering premises using reasonable force to save a person's life, rescue any endangered person and prevent injury;
- prevent access to any place;
- close roads, paths and other places; and
- removing persons from a place preventing the exercise of one of these powers.

Authorised persons include:

- the Chief Health Officer;
- a Public Health Officer authorised by the Chief Health Officer;
- a member of the ambulance service;
- a police officer; and
- any other person authorised to exercise the Public Health Emergency Powers by the Chief Health Officer.

Factsheet for NSW

1. How many people can lawfully gather in a public space, and are there any social distancing requirements while in public?

Public gatherings are limited to a maximum of 10 people.

All people present at a public gathering must maintain a physical distance of at least 1.5 metres from other people.

2. Are there any public transport restrictions?

There are currently no public transport restrictions in place in New South Wales. The restrictions on public gatherings do not apply for the purposes of transportation, including in vehicles or at truck stops, stations, platforms or stops or other public transportation facilities.

However, the New South Wales Government have published advice regarding travelling on public transport. Some of these guidelines include:

- if you are not already using public transport during peak times, do not start now;
- follow physical distancing guidelines by observing distinctive green dots that show the safest places to sit and stand. This may mean you will be asked to wait for the next service if the service is at capacity; and
- practice good hygiene, such as washing your hands regularly, cover any sneezes or coughs and avoid close contact with other people at stops, stations and on board services.

3. Are protests specifically prohibited under COVID-19 measures?

No, the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 3) 2020*, which set out the restrictions relating to public gatherings during COVID-19, does not specifically prohibit protests. However, the public gathering restrictions stated above apply.

4. What are the penalties for breach of COVID-19 restrictions?

Breach of orders made under the *Public Health Act 2010* (NSW) is a criminal offence and attracts heavy penalties:

- for an individual, the maximum penalty is \$11,000, or imprisonment for 6 months, or both and a further \$5,500 penalty may apply for each day the offence continues.
- for a corporation, the maximum penalty is \$55,000 and a further \$27,500 penalty may apply for each day the offence continues.

The NSW Police may also issue on-the-spot fines of \$1,000 for an offence.

Factsheet for QLD

1. How many people can lawfully gather in a public space, and are there any social distancing requirements while in public?

Restrictions in place before 10 July 2020

Under the *Movement and Gathering Direction*, gatherings in indoor and public spaces must be limited to a maximum of 20 people.

At all gatherings, social distancing (1.5 metres distance between each person) is still required.

Restrictions in place on and after 10 July 2020

It is anticipated that after 10 July 2020, gatherings with a maximum of 100 people will be permitted. However, while this has been announced by the Queensland Government, it has not yet come into force and is subject to change.

2. Are there any public transport restrictions?

There are currently no restrictions on capacity limits for public transport. The 20-person rule does not apply for the purposes of public transport, including in vehicles or at public transportation facilities such as stations, platforms and stops.

Commuters are expected to practice social distancing, must not use cash to pay for tickets, and must board the bus by the rear doors.

3. Are protests specifically prohibited under COVID-19 measures?

No, the *Movement and Gathering Direction* do not specifically prohibit protests. However, the gathering restrictions stated above apply.

4. What are the penalties for breach of COVID-19 restrictions?

A failure to comply with public health order directions may result in the following penalties:

- an individual can be liable to pay an on-the-spot fine of \$1,334
- a corporation can be liable to pay an on-the-spot fine of \$6,670
- a person may incur a maximum penalty of \$13,345 (100 penalty units)

Factsheet for SA

1. How many people can lawfully gather in a public space, and are there any social distancing requirements while in public?

Public gatherings of up to 20 people are permitted, subject to certain exemptions such as transiting through a place such as Rundle Mall.²

If the protest could be considered an 'indoor public meeting' (i.e. a meeting, lecture or presentation that is open to members of the public), then the 20 person rule does not apply. However, if that is the case, then the following requirements do apply:

- attendees must be seated;
- attendees must comply with the density quotient (1 person per 4m²) unless they are inside a vehicle;
- there must be no more than 80 attendees, and no more than 20 people in any single room or enclosed area;
- attendees must use their 'best endeavours' to maintain a distance of at least 1.5 metres from other people, unless they live in the same household, are friends or family members, or otherwise regularly associate with each other; and
- those conducting the indoor public meeting must obtain 'contact tracing records' of all attendees, complete a [COVID Safe Plan](#) and make it available for inspection.³

5. Are there any public transport restrictions?

Gatherings related to public transportation, including in vehicles or at public transportation facilities such as stations, platforms and stops, are **not** subject to the 20 person rule.⁴

6. Are protests specifically prohibited by COVID-19 measures?

Protests are not specifically prohibited, but the 20 person rule referred to above applies unless the protest constitutes an 'indoor public meeting'.

² Section 4 (see definition of 'prohibited gathering') and section 8, [Emergency Management \(Public Activities\) \(COVID-19\) Direction 2020 \(SA\)](#).

³ Section 13, [Emergency Management \(Public Activities\) \(COVID-19\) Direction 2020 \(SA\)](#).

⁴ Schedule 1(b), [Emergency Management \(Public Activities\) \(COVID-19\) Direction 2020 \(SA\)](#).

7. What are the penalties for breach of COVID-19 restrictions?

- For individuals, \$1,000 on-the-spot fines ('expiation fee') for non-compliance without reasonable excuse can be issued,⁵ and fines of up to \$10,000 for individuals who hinder or obstruct compliance.⁶
- \$20,000 fine for individual non-compliance and \$75,000 fine for a body corporate are also available.⁷

Police maintain their existing powers to ask your name and address if they believe you've committed (or are about to commit) an offence.

⁵ Section 1(g), [COVID-19 Emergency Response Act 2020 \(SA\)](#).

⁶ Section 29, [Emergency Management Act 2004 \(SA\)](#).

⁷ Section 28(1), [Emergency Management Act 2004 \(SA\)](#).

Factsheet for Tasmania

1. How many people can lawfully gather in public space, and are there any social distancing requirements while in public?

Restrictions in place until 2:59pm at Friday 5 June 2020

- Public gatherings for specific purposes, such as attending businesses that are open and exercising (but not including protests), are permitted for groups of up to 10 people.
- At all public gatherings, social distancing involving ensuring that people maintain at least 1.5 metres of physical distancing is required.
- At indoor public gatherings, there is a further requirement that at least 1 person per 4 square metres of space is provided.

Restrictions on and after Friday 5 June 2020 from 3pm

Permitted gatherings are expected to increase to 20 people at a time for indoor and outdoor gatherings, subject to the maintenance of one person per 4 square metres and 1.5 metre physical distancing.

Note: the restrictions that apply on and after 3pm on Friday 5 June 2020 have been announced by the Tasmanian Government, but they have not yet been officially published in a Direction

2. Are there any public transport restrictions?

There are currently no restrictions on capacity limits for public transport. The 20 person rule does not apply for the purposes of public transport, including in vehicles or at public transportation facilities such as stations, platforms and stops.

However, Government guidance advises that passengers should:

- avoid using public transport if they are unwell;
- avoid travelling during peak times (7am-9am and 2.30pm-5.30pm); and
- maintain physical distancing where possible.

Public bus services across the state are currently provided free of charge.

3. Are protests specifically prohibited by any COVID measures?

Yes. A person must not organise or attend a gathering in Tasmania unless the gathering is expressly permitted by the Direction. Therefore, as protests are not expressly permitted, protests are prohibited gatherings.

4. What are the penalties for breach of COVID restrictions?

A breach of the Direction is an offence under the *Public Health Act 1997* (TAS) and is punishable by a fine of up to \$16,800, or up to six months imprisonment.

Factsheet for Victoria

1. How many people can lawfully gather in public space, and are there any social distancing requirements while in public?

Groups of up to 20 people can gather in an open public space, unless the group is gathered for certain exempted purposes.

One of the exempted purposes under Victoria's *Stay Safe Directions* is arranging a public gathering for purposes relating to 'the administration of justice'.⁸ However, the Directions do not elaborate on what a purpose relating to 'the administration of justice is,' therefore it is unclear whether a protest will fall under this exception.

However, Victoria Police have indicated that they will not fine protesters attending the Black Lives Matter protests this week.⁹

2. Are there any public transport restrictions?

There are currently no restrictions relating to the use of public transport, and a person may leave their place of residence using a means of transport (public or private) regardless of how many people are on the tram, train, bus or private vehicle.

Passengers are advised to practice physical distancing where possible and to consider travelling outside of peak times when travel is on a busy route. Public transport service desks will not accept cash for payment to purchase or top up a Myki, and passengers must pay online, on the phone or use contactless payment methods.

3. Are protests specifically prohibited under COVID-19 measures

While the directions do not specifically prohibit protests, it is unclear whether attending a protest is covered under the exemptions to the 20 person gathering rule.

Victoria Police have indicated that they do not consider attending a protest to fall within any of the exemptions to the 20 person gathering rule, and so the rule may be enforced.

4. What are the penalties for breach of COVID-19 restrictions?

Victoria Police can issue on the spot fines of up to \$1,652 for individuals and up to \$9,913 for businesses for:

- Refusing or failing to comply with the emergency directions
- Refusing or failing to comply with a public health risk power direction

⁸ Ibid, clause 7(3)(d)(vi).

⁹ See <https://www.abc.net.au/news/2020-06-03/melbourne-black-lives-matter-protest-will-break-law-police-warn/12314412?fbclid=IwAR2Jm2ETaJMjjAbBMteHrOaPpPk4wE8684IYoR6aV2f2cREVkqOQeY0gu-l>

- Refusing or failing to comply with a direction by the Chief Health Officer to provide information

Fines of up to \$20,000 for individuals and \$100,000 for businesses are possible through the court system.

Factsheet for WA

1. How many people can lawfully gather in public space, and are there any social distancing requirements while in public?

Restrictions in place before 6 June 2020

No more than 20 people can lawfully gather in an indoor or outdoor public place.

In any gathering, there must be at least 4 square metres of space for each person attending an indoor or outdoor public gathering.

Restrictions in place on and after 6 June 2020

It is anticipated that after 6 June 2020, up to 100 people can lawfully gather in an undivided indoor or outdoor public space.

If the gathering is held in a venue that has multiple divided spaces, up to 300 people may gather in the venue, with 100 people in each divided space.

For all gatherings, at least 2 square metres of space must be available for each person in attendance.

For all gatherings, it is recommended that people keep 1.5 metres away from others, avoid making unnecessary physical contact with others and practice good hygiene.

Note: the restrictions that apply on and after 6 June 2020 have been announced by the WA Government, however they have not yet come into force and are subject to change.

2. Are there any public transport restrictions?

There are currently no restrictions on capacity limits for public transport. The 20 person rule does not apply for the purposes of public transport, including in vehicles or at public transportation facilities such as stations, platforms and stops.

It is encouraged that commuters maintain a distance of 1.5 metres from others where possible.

3. Are protests specifically prohibited under COVID-19 measures?

No, the *Closure and Restriction (Limit the Spread) Directions (No 3)*, which set out the rules relating to gatherings during COVID-19, do not specially prohibit protests. However, the gathering restrictions stated above apply.

4. What are the penalties for breach of COVID-19 restrictions?

Failing to comply with the *Closure and Restriction (Limit the Spread) Directions (No 3)* may result in the following penalties:

Penalties that apply until 6 June 2020

- An individual can be punished with imprisonment for up to 12 months, or liable to pay a fine of up to \$50,000;
- a corporation can be liable to pay a fine of up to \$250,000.

Penalties that apply on and after 6 June 2020

It is anticipated that after 6 June 2020, a failure to comply with the Government Directions may result in the following penalties:

- an individual can be punished with imprisonment for up to 12 months, or liable to pay a fine of up to \$50,000. An individual may be issued a \$1,000 on the spot fine instead of being prosecuted;
- a corporation can be liable to pay a fine of up to \$250,000. A corporation may be issued a \$5,000 on the spot fine instead of being prosecuted;
- There is a fine of \$5,000 for each separate and further offence committed.

Factsheet for NT

1. How many people can lawfully gather in a public space, and are there any social distancing requirements while in public?

From 1 May 2020, the Northern Territory's Chief Health Officer revoked the previous directions regarding gatherings, and did not put in place any additional directions. As a result, there are currently no specific gathering restrictions in place in the Northern Territory.

However, current restrictions in the Northern Territory state that people should still maintain physical distancing both indoors and outdoors, and also practise good hygiene.

2. Are there any public transport restrictions?

Public transport, including buses, taxis and rideshare services, continue to operate in the Northern Territory. Bus services are currently free to accept payment of fares in cash.

The Northern Territory does provide guidance in order to minimise the risk of contracting and spreading COVID-19. This includes:

- passengers to practice good hygiene and physical distancing where possible; and
- sitting in the back seat of vehicles when using ridesharing or taxi services.

Public transport is considered essential at this stage but will be reviewed regularly, however people are advised that non-essential travel is to be avoided.

3. Are protests specifically prohibited under COVID-19 measures?

There are no specific directions that prohibit a protest taking place in the Northern Territory.

4. What are the penalties for breach of COVID-19 restrictions?

There are penalties of up to \$62,800 for failure to comply with any direction. However, no specific restrictions on gatherings are currently in place.