

**EXTRACTS FROM
EMERGENCY MANAGEMENT ACT 2005 (WA) Section 71 and 72A CLOSURE AND
RESTRICTION (LIMIT THE SPREAD) DIRECTIONS (N0 2)**

Note previous ACT REVOKED and this one in effect from midnight 26th April 2020

Full version available here

https://www.wa.gov.au/sites/default/files/2020-04/Closure%20and%20Restriction%20%28Limit%20the%20Spread%29%20Directions%20%28No%202%29_2.pdf

DIRECTIONS

Prohibited gatherings

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

Prohibited activities

8. A person must refrain from undertaking or engaging in a prohibited activity.
9. A person must not organise a prohibited activity.
10. A person must not attend a prohibited activity.

Closure of certain places of business, worship and entertainment

11. Every owner, occupier or person apparently in charge of an affected place must close that place to the public while these directions remain in effect.

DEFINITION OF PROHIBITED GATHERING

12. A prohibited gathering means:

- (a) a gathering of more than ten (10) persons in a single undivided indoor space or a single undivided outdoor space that is a public place at the same time; or
- (b) a gathering of two (2) or more persons in a single undivided indoor space or a single undivided outdoor space at the same time (whether or not the space is a public place), where there is not at least 4 square metres of space for each person at the gathering,

Note: subject to the exceptions set out in the rest of this paragraph, a gathering at a public place will be a prohibited gathering if it is a gathering of more than 10 persons or if it is a gathering at which there is not at least 4 square metres for each person at the gathering. **A gathering at a place that is not a public place will only be a prohibited gathering if there is not at least 4 square metres for each person at the gathering** and one or more of the exceptions set out in the rest of this paragraph do not apply but does not include a gathering:

...

12c(s) at a place of worship for the purposes of live streaming, or recording for later broadcast or publication on television, radio, the internet or social media, of religious activities at that place of worship, provided that no more than 10 persons are present and there is at least 4 square metres of space for each person at the gathering;

Note: under these directions places of worship remain closed to the public, other than for the purposes of a wedding or funeral. **A place of worship must otherwise remain closed to the public while it is being used for the purposes of live streaming or recording religious activities.**

Example: a place of worship is being used for the purposes of live streaming a religious service. The person who leads or presides at the service, such as an imam, priest or rabbi, and those who assist that person (including those who would ordinarily read from scripture or some other sacred text to a congregation or other group gathered to participate in the service) can be present. In addition, persons may be present for the purpose of live streaming or recording the service. However, no more than 10 persons can be present and there must be at least 4 square metres of space for each person at the gathering and, because the place of worship remains closed to the public, **no part of the congregation or other group who would ordinarily gather to participate in the service can be present** (except for any person assisting the person who leads or presides at the service)

....

DEFINITION OF PROHIBITED ACTIVITY

14. A prohibited activity means any of the following activities and whether undertaken or engaged in on a profit or not-for-profit basis:

- (e) a wedding, other than to the extent that it involves no more than 10 persons; or
- (f) a funeral, other than to the extent that, excluding those persons whose presence is necessary to conduct the funeral: or
 - (i) the funeral involves no more than 10 persons; or
 - (ii) the funeral has been approved in writing by me, or someone authorised for that purpose by me, as the State Emergency Coordinator;

Example: a funeral is to be held for someone with more than 10 family members who wish to attend the funeral. The funeral is to be held in a space that is large enough to allow at least 4 square metres for everyone who will be present, including all of the family members who wish to attend and those persons whose presence is necessary to conduct the funeral. Approval can be sought under paragraph 14.(f)(ii) to have more than 10 persons at the funeral (excluding those persons whose presence is necessary to conduct the funeral).

DEFINITION OF AFFECTED PLACE

15. Affected place means any one of the following, whether operated on a profit or not-for-profit basis:

a place of worship, other than for the purposes of a wedding or funeral; o

Note 1:

paragraph 14(e) and (f) of these directions restrict the number of persons who can be present at a wedding or funeral

Note 2:

while a place of worship must otherwise remain closed to the public, it can be used for the purposes of live streaming, or recording for later broadcast or publication on television, radio, the internet or social media, of religious activities at that place of worship, provided that no more than 10 persons are present and there is at least 4 square metres of space for each person at that gathering (as described in paragraph 12(s) of these directions)

PENALTIES

It may be an offence to fail to comply with any of these directions, punishable by imprisonment for up to 12 months or a fine of up to \$50,000 for individuals and \$250,000 for bodies corporate.

Signed

Christopher John Dawson

State Emergency Coordinator and Commissioner of Police

26th of April 2020

13:15 hours