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PUBLIC HEALTH ACT 2010

**ORDER UNDER SECTION 11(1) DIRECTING THAT ACCESS TO PUBLIC PREMISES
BE PROHIBITED IN ORDER TO PROTECT PUBLIC HEALTH**

I, Michael John Fuller, Commissioner of Police, as delegate of the Secretary of the Ministry of Health:

1. consider that access to Skull and Rose Cafe, located at 16/47-51 Norton Street Leichhardt NSW 2040 (the Premises), being premises on which the public, or sections of the public, are required, permitted or accustomed to congregate, should be prohibited in order to protect public health, as:
 - (a) COVID-19 is a potentially fatal and highly contagious condition;
 - (b) NSW has put in place a number of restrictions and requirements to respond to the COVID-19 pandemic in order to protect public health and minimise the risk of the transmission of COVID-19 in the community, such as orders made under section 7 of the *Public Health Act 2010*;
 - (c) Public health restrictions and requirements that apply at the Premises have not been complied with; and
 - (d) The risk to public health arising from this non-compliance is sufficient to prohibit access to the premises in order to protect public health; and
2. direct, pursuant to section 11(1) of the *Public Health Act 2010*, that access to the Premises be prohibited from the time this Order is signed until 27 August 2021.

Signed the day of 14th of August 2021 at 9:05am

Michael John Fuller
APM Commissioner of
Police NSW Police
Force

NOTES

1. Section 11(3) of the *Public Health Act 2010* provides that if premises the subject of a direction under section 11(1) are not under the control of a Minister, any person who:
 - (a) controls, or is involved in the control of, the premises, and
 - (b) has notice of the direction,must take such reasonably practicable action as is necessary to comply with the direction.
2. The maximum penalty for an offence against section 11(3) of the *Public Health Act 2010* is:
 - (a) in the case of an individual – 100 penalty units, or imprisonment for 6 months, or both and, in the case of a continuing offence, a further 50 penalty units for each day the offence continues, or
 - (b) in the case of a corporation – 500 penalty units and, in the case of a continuing offence, a further 250 penalty units for each day the offence continues.
3. In accordance with section 11(2) of the *Public Health Act 2010*, this Order will be published in the New South Wales Government Gazette as soon as practicable after it is made. A failure to do so does not invalidate this Order.