

Public Health Act 1997

DIRECTION UNDER SECTION 16
(Management of premises – No. 10)

I, SCOTT McKEOWN, the Deputy Director of Public Health, in pursuance of section 16 of the *Public Health Act 1997* ("the Act"), in order to manage the threat to public health posed by the notifiable disease known as COVID-19 ("the disease"), direct that, commencing from 5 p.m. on 18 December 2020 –

- (a) in relation to residential premises, the occupier of the premises must ensure that the total number of persons present on the premises is not more than 100 persons; and
- (b) in relation to premises specified in Schedule 1, while the premises is used for its normal day-to-day operations, a person who owns or operates the premises must ensure that –
 - (i) if the premises is not a boat or pontoon, the number of persons on the premises does not exceed the total number of persons lawfully permitted on the premises under the occupancy permit, or temporary occupancy permit, in force for the premises under the *Building Act 2016*; and
 - (ii) if the premises is a boat or pontoon, the maximum capacity for the boat, or pontoon, does not exceed the maximum capacity for the boat, or pontoon, as permitted by law; and
- (c) in relation to premises that are cinemas, concert venues or theatres, a person who owns or operates the premises must ensure that, in each indoor space, on the premises, that is undivided, the total number of persons (other than persons who are employed or engaged by the person who owns or operates the premises) who are present in that space –

- (i) before 12.01 am on 21 December 2020 does not exceed the number of persons equal to maximum density calculated for that space; and
 - (ii) after 12.01 am on 21 December 2020, does not exceed 75% of the seating capacity of the indoor space or 250 persons, whichever is the lesser number of such persons; and
- (d) in relation to indoor premises that are churches, places of worship, or premises at which religious activities are being carried out, a person who owns or operates the premises must ensure that, in each indoor space, on the premises, that is undivided –
- (i) the total number of persons who are, before 12.01 am on 28 December 2020, present in that space, other than the following persons:
 - (A) persons who are employed or engaged by the person who owns or operates the premises;
 - (B) members of the clergy, church attendants or members of a choir;
 - (C) persons who are, other than only by being worshipers, assisting in the provision of religious services at the premises –does not exceed 75% of the seating capacity of the indoor space; and
 - (ii) the total number of persons who are present in that space after 12.01 am on 28 December 2020 does not exceed the number of persons equal to maximum density calculated for that space; and
- (e) in relation to indoor spaces in premises to which paragraph (d) applies, during a gathering, of more than 250 persons, before 12.01 am on 28 December 2020, the direction, entitled *Mass gatherings – No.1*, given on 27 November 2020 does not apply; and

- (f) in relation to premises to which paragraph (a), (b), (c) or (d) does not apply, a person who owns or operates the premises must ensure that, in each undivided space on the premises, the total number of persons present in that space does not exceed the number of persons equal to maximum density calculated for that space; and
- (g) in relation to all premises other than residential premises, a person who owns or operates the premises must ensure that –
 - (i) each condition specified in Schedule 2 that is relevant to the premises is complied with; and
 - (ii) where practicable, each person on the premises maintains a distance of not less than 1.5 metres between the person and any other person; and
 - (iii) where practicable, persons on the premises are sufficiently separated from other persons –
 - (A) when entering or exiting the premises; or
 - (B) while in the foyer, lobby or another area of the premises designed for waiting; and
- (h) a person must not organise a gathering held on premises other than residential premises if the gathering is organised, or conducted, in such a manner as to mean that the premises where the gathering is held does not comply with the requirements of paragraph (g) as they apply to the premises; and
- (i) this direction does not apply to premises that are private vehicles, private vessels or private aircraft; and

- (j) the Director of Public Health, or the Deputy Director of Public Health, may issue a premises, or a class of premises, with a written exemption from the operation of paragraph (f) in respect of those premises; and
- (k) in this direction –
- (i) **alcohol** means liquor within the meaning of the *Liquor Licensing Act 1990*; and
 - (ii) **high risk activity**, in relation to a premises, includes –
 - (A) dancing; and
 - (B) consuming alcohol; and
 - (iii) **indoor space** means an area, room or premises that –
 - (A) is, or are, substantially enclosed by a roof and walls, regardless of whether the roof or walls, or any part of the roof or walls, are permanent or temporary, or open or closed; and
 - (B) is not a lift, elevator or similar space; and
 - (iv) **licensed premises** means a premises –
 - (A) that may lawfully sell alcohol for consumption on the premises; or
 - (B) other than residential premises, where alcohol is consumed or is intended to be consumed; and
 - (v) **maximum density**, in relation to an indoor space or the outdoor space of the premises, means the lesser of the following in respect of the space:
 - (A) the number of persons calculated for the space by dividing the total number of square metres of the floor area of the space by 2;
 - (B) if the space is the outdoor space of the premises, 1 000 persons;
 - (C) if the space is an indoor space, 250 persons; and
 - (vi) **outdoor space of the premises** means the total space of a premises that is not –
 - (A) an indoor space; or
 - (B) a lift, elevator or similar space; or

(C) if the premises is a licensed premises, a space of the premises that is not open to patrons of the licensed premises; and

(vii) **premises** has the same meaning as in the Act; and

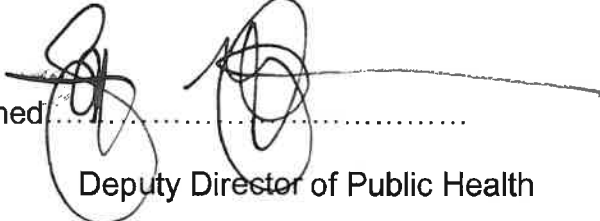
(viii) **residential premises** does not include such part of a premises, where people ordinarily reside, if that part of the premises –

(A) is primarily used for the sale of goods or the provision of services; and

(B) is, while those goods are being sold or those services are being provided, being operated in accordance with its normal operations for the sale of those goods or the provision of those services; and

(l) the direction given by the Director of Public Health, given under section 16 of the Act on 11 December 2020 and entitled *Management of premises – No. 9*, is revoked.

Dated: 18 December Time: 4:42 pm

Signed: 
Deputy Director of Public Health

Schedule 1

1. Airports and other premises used for the purposes of, or related to, public or commercial transportation.
2. Medical or health facilities.
3. Disability facilities or aged care facilities.
4. Prisons, correctional facilities, youth justice centres or other places where persons are lawfully held in custody.
5. Courts or tribunals.
6. Parliament.

7. Premises being used for the purposes of, and in relation to, emergency services.
8. Veterinary establishments within the meaning of the *Veterinary Surgeons Act 1987*.
9. Schools, universities, educational institutions or childcare facilities.
10. Child and family centres operated by the government or a not-for-profit organisation.
11. Indoor spaces, or outdoor spaces of premises, that are primarily being used for the purpose of transiting through the space.
12. Premises being used to provide essential voluntary, or public, services and support such as food banks or homelessness services.
13. Boats or pontoons used for commercial purposes if –
 - (a) all the occupants on the boat or pontoon are employed or engaged by the owner or operator of the boat, or pontoon, and are on the boat or pontoon for the purposes of that employment or engagement; or
 - (b) the boat or pontoon is being used to provide a commercial tour or cruise and, for the majority of the tour or cruise, the patrons of the tour or cruise remain on such part of the boat or pontoon that is not wholly, or predominantly, enclosed by walls or other permanent, or temporary, items as sides.

Schedule 2

1. The operator of a premises must ensure that, at any one time –
 - (a) except as provided in paragraph (b) and (c), the total number of persons standing while participating in a high risk activity on the premises does not exceed –
 - (i) in the indoor spaces of the premises, in aggregate, the lesser of the following:
 - (A) 100 persons;
 - (B) the sum of the maximum density for each indoor space of the premises; and
 - (ii) in the outdoor space of the premises, the lesser of the following:

- (A) 250 persons;
 - (B) the maximum density for the outdoor space of the premises; or
- (b) the total number of persons standing, while participating in dancing at the premises, does not exceed the maximum density for the premises if, at the time the dancing occurs –
- (i) the premises is in use by a business, or organisation, that is primarily for the teaching of dance; and
 - (ii) the dancing is part of the normal day-to-day operations of the business or organisation; and
 - (iii) the dancing is undertaken by employees, or contractors or students, of the business or organisation; and
 - (iv) the dancing is pre-arranged by the business or organisation; and
 - (v) contact information has been kept, by the business or organisation, for each person who participates in the dancing or who is otherwise in the area while the dancing occurs; and
 - (vi) food or alcohol is not consumed in the area while the dancing occurs or in connection with the dancing; or
- (c) the total number of persons standing in an space of the premises, while participating in dancing, does not exceed the maximum density for the space if –
- (i) the space is being used for the purposes of an end-of-year function organised by a registered school within the meaning of the *Education Act 2016*; and
 - (ii) the dancing is occurring as part of the end-of-year function; and
 - (iii) the persons participating in the dancing are students and teachers, who ordinarily attend the school; and
 - (iv) alcohol is not consumed, or offered for consumption, as part of the function or in connection with the function; and
 - (v) any other high risk activity, occurring on the premises at the time of the dancing, complies with paragraph (a).

2. The operator of a premises used for sporting or fitness activities must ensure that the sporting or fitness activities undertaken on the premises are a Level C activity as specified within the *Framework for Rebooting Sport in a COVID-19 Environment*, as published by the Australian Institute of Sport and in force on 15 May 2020.