

*Public Health Act 1997*

**DIRECTION UNDER SECTION 16**

*(Mass gatherings – No. 4)*

I, MARK VEITCH, the 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 on 1 May 2021 –

- (a) a relevant person in relation to a gathering at premises must not cause or permit the gathering to occur at the premises if the gathering is of not less than 250 persons, and not more than 2 000 persons, across the premises, unless –
  - (i) paragraphs (e) and (f) are complied with in relation to the gathering; and
  - (ii) at each gathering, in an indoor area of the premises, of more than 250 persons and not more than 500 persons, the persons are required to be seated for the majority of the duration of the gathering; and
  - (iii) at each gathering, in an outdoor area of the premises, of more than 1 000 and not more than 2 000 persons, the persons are required to be seated for the majority of the duration of the gathering; and
  
- (b) a relevant person in relation to a gathering at premises must not cause or permit the gathering to occur at the premises if the gathering is of more than 2 000 persons, and not more than 5 000 persons, across the premises, unless –
  - (i) paragraphs (e), (f) and (g) are complied with in relation to the gathering; and
  - (ii) each gathering in an indoor area, of the premises, at which persons are not required to be seated is of not more than 500 persons; and
  - (iii) each gathering in an indoor area, of the premises, at which the persons are required to be seated for the majority of the duration of the gathering is of not more than 1 000 persons; and

- (iv) each gathering in an outdoor area, of the premises, at which persons are not required to be seated for the majority of the duration of the gathering is of not more than 2 000 persons; and
  - (v) each gathering in an outdoor area, of the premises, at which the persons are required to be seated for the majority of the duration of the gathering is of not more than 5 000 persons; and
- (c) a relevant person in relation to a gathering at premises (other than premises on which an outdoor stadium or outdoor arena is situated) must not cause or permit the gathering to occur at the premises if the gathering is of more than 5 000 persons, and not more than 10 000 persons, across the premises, unless –
- (i) paragraphs (e), (f), (g) and (h) are complied with in relation to the gathering; and
  - (ii) each gathering in an indoor area, of the premises, at which persons are not required to be seated is of not more than 1 000 persons; and
  - (iii) each gathering in an indoor area, of the premises, at which the persons are required to be seated for the majority of the duration of the gathering is of not more than 2 000 persons; and
  - (iv) each gathering in an outdoor area, of the premises, at which persons are not required to be seated is of not more than 5 000 persons; and
  - (v) each gathering in an outdoor area, of the premises, at which the persons are required to be seated for the majority of the duration of the gathering is of not more than 10 000 persons; and
- (d) a relevant person in relation to a gathering at premises on which an outdoor stadium or outdoor arena is situated must not cause or permit the gathering to occur at the premises if the gathering is of more than 250 persons across the premises unless –
- (i) paragraphs (e), (f), (g) and (h) are complied with in relation to the gathering; and

- (ii) each gathering in an indoor area, of the premises, at which persons are not required to be seated for the majority of the duration of the gathering is of not more than 1 000 persons; and
  - (iii) each gathering in an indoor area, of the premises, at which persons are required to be seated for the majority of the duration of the gathering is of not more than 2 000 persons; and
  - (iv) each gathering in an outdoor area, of the premises, at which persons are not required to be seated for the majority of the duration of the gathering is of not more than 5 000 persons; and
- (e) a gathering at premises complies with this paragraph if the relevant person in relation to the gathering at the premises ensures that, despite paragraphs (a), (b), (c) and (d) –
- (i) if the gathering is at premises on which a stadium, arena or entertainment venue is situated – the total number of persons present at any one time at the gathering, other than assistants, does not exceed the sum of –
    - (A) if all or part of the gathering is required to be seated for the majority of the duration of the gathering and seating is provided by the owner or occupier of the premises – so much of the gathering as is required to be seated at the gathering being a number of persons (other than assistants) that is not more than the number of seats so provided at the premises; and
    - (B) if sub-subparagraph (A) does not apply to all or part of the gathering – so much of the gathering to which that sub-subparagraph does not apply consists of not more than the number of persons calculated by dividing by 2 the total number of square metres of the floor area of the space for that gathering or that part of the gathering; or
  - (ii) if the gathering is for the purposes of religious services or a funeral – the total number of persons present at any one time at the gathering, other than service attendants, does not exceed the sum of –
    - (A) if all or part of the gathering is required to be seated for the majority of the duration of the gathering and seating is provided

- by the owner or occupier of the premises – so much of the gathering as is required to be seated at the gathering being a number of persons (other than service attendants) that is not more than the number of seats so provided at the premises; and
- (B) if sub-subparagraph (A) does not apply to all or part of the gathering – so much of the gathering to which that sub-subparagraph does not apply consists of not more than the number of persons calculated by dividing by 2 the total number of square metres of the floor area of the space for that gathering or that part of the gathering; or
- (iii) for any other gathering, the total number of persons present, at any one time, at the gathering does not exceed –
- (A) the number of persons calculated for the space by dividing by 2 the total number of square metres of the floor area of the space; and
- (B) if the persons at the gathering are required to be seated for the majority of the duration of the gathering – more than half of the seated capacity of the premises where the gathering is occurring; and
- (f) a gathering at premises complies with this paragraph if the relevant person in relation to the gathering at the premises ensures that –
- (i) where practicable, each person at the gathering maintains a distance of not less than 1.5 metres between the person and any other person; and
- (ii) an event COVID safety plan is developed and implemented for the gathering; and
- (iii) a person is appointed as the person to be contacted in respect of the gathering; and
- (iv) the organiser of the gathering, or the person appointed under subparagraph (iii) in respect of the gathering, presents the event COVID safety plan for the gathering if requested to do so by a police officer, an authorised person under the Act or an inspector under the *Work Health and Safety Act 2012*; and

- (v) each obligation, requirement, restriction or condition (other than the density limit for the premises if that density limit is lower than the number of persons permitted at the gathering under this direction) that, under a direction made under the Act, applies to a relevant person, in relation to the gathering or premises, is complied with in relation to the gathering; and
- (g) a gathering complies with this paragraph if, before the gathering occurs and in addition to the requirements of paragraphs (e) and (f) –
  - (i) the gathering has been registered with the Director of Public Health or his or her delegate; and
  - (ii) the event COVID safety plan for the gathering has been assessed as appropriate by the Director of Public Health or his or her delegate; and
- (h) a gathering complies with this paragraph if, before the gathering occurs and in addition to the requirements of paragraphs (e), (f) and (g), the Director of Public Health, or his or her delegate, has approved the gathering, subject to the conditions, if any, that the Director of Public Health, or his or her delegate, considers appropriate for the gathering; and
- (i) at any time before a gathering referred to in paragraph (b), (c) or (d) occurs, the Director of Public Health may impose one or more conditions on the gathering that he or she considers appropriate for the gathering in order to manage a threat, or likely threat, to public health; and
- (j) if appropriate to manage a threat, or likely threat, to public health, the Director of Public Health, or his or her delegate, may –
  - (i) refuse to register a gathering under paragraph (g)(i); or
  - (ii) revoke the registration of a gathering under paragraph (g)(i); and
- (k) if appropriate to manage a threat, or likely threat, to public health, the Director of Public Health may –

- (i) refuse to approve a gathering under paragraph (h); or
  - (ii) rescind an approval given in respect of a gathering under paragraph (h); and
- (l) for the avoidance of doubt, the power to impose a condition under this direction includes the power to vary or revoke the condition; and
- (m) in this direction –

**assistant**, in relation to premises, means a person –

- (i) who is employed or engaged by the owner or occupier of the premises; or
- (ii) who is employed or engaged to perform services at the premises;

**density limit for the premises** means the density calculated for the premises under a direction under section 16 of the Act, in respect of the disease, that applies in respect of a space on the premises or the premises as a whole;

**entertainment venue** includes, whether indoors or outdoors, a cinema, concert venue, theatre, auditorium or similar space;

**event COVID safety plan** means a safety plan that is –

- (i) in the form approved by the Director of Public Health for a gathering to be held under this direction; and
- (ii) available from, or is published on the website operated by or on behalf of, WorkSafe Tasmania;

**gathering** means a group of persons who attend, whether in accordance with a formal or informal arrangement, at premises;

**indoor area** means an area, room or premises that –

- (i) 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
- (ii) is not a lift, elevator or similar space;

**organiser**, in relation to a gathering at premises, means the person, who is not the owner or occupier of the premises or a person acting for that

owner or occupier, who enters into an arrangement, with the owner or occupier of the premises, for the gathering, or event to which the gathering relates, to be conducted at the premises;

**outdoor area** means an area of a premises that is not –

- (i) an indoor area; or
- (ii) a lift, elevator or similar space;

**premises** has the same meaning as in the Act but does not include residential premises;

**relevant person**, in relation to a gathering at premises, means –

- (i) unless subparagraph (ii) applies – the owner or occupier of the premises at which the gathering occurs; or
- (ii) if there is an organiser in relation to the gathering – the organiser;

**residential premises**, in respect of a gathering under this direction, does not include a part, of premises, where people ordinarily reside, if that part of the premises –

- (i) is primarily used for the sale of goods or the provision of services; and
- (ii) is, while those goods are being sold or those services are being provided for the gathering, being operated in accordance with its normal operations for the sale of those goods or the provision of those services; and


**service attendants** includes the following persons:

- (i) persons who are employed or engaged by the person who owns or operates the premises;
- (ii) members of the clergy, church attendants or members of a choir;
- (iii) in the case of a funeral, persons who are performing the funeral service;
- (iv) persons who are, other than only by being worshipers, assisting in the provision of religious services, or the funeral, at the premises; and

**stadium or arena, or outdoor stadium or outdoor arena**, means a premises that is primarily intended for use for sporting and other similar recreational activities; and

- (n) on 1 May 2021, the direction, entitled *Mass gatherings – No. 3*, given by me on 22 March 2021, is revoked.

Dated: 29 April 2021

Signed: 

Director of Public Health