

*Public Health Act 1997*

**DIRECTION UNDER SECTION 16**

*(Management of premises – No. 6)*

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 13 November 2020 –

- (a) in relation to a residential premises, the occupier of the premises must ensure that the total number of persons present on the premises does not exceed the sum of the persons who ordinarily reside at the premises plus 40 other 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 a premises to which paragraph (a) or (b) 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, where practicable, the number of persons equal to maximum density calculated for that space; and
- (d) 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
- (e) a person must not organise an event held on premises other than residential premises if the event is organised, or conducted, in such a manner as to mean that the premises where the event is held does not comply with the requirements of paragraph (d) as they apply to the premises; and
- (f) this direction does not apply to premises if those premises are private vehicles, private vessels or private aircraft; and
- (g) 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 (c) in respect of those premises; and
- (h) in this direction –
- (i) **alcohol** means liquor within the meaning of the *Liquor Licensing Act 1990*; and
  - (ii) **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
  - (iii) **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
- (iv) **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
- (v) **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; and
- (vi) **premises** has the same meaning as in the Act; and
- (vii) **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

(i) on 13 November 2020, the direction given by the Director of Public Health, given under section 16 of the Act on 23 October 2020 and entitled *Management of premises – No. 5*, is revoked.

Dated:..... 11 November 2020

Signed:..... 

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. Commercial boats, or pontoons, when occupied solely by persons employed, or engaged, by the owner or operator of the boat or pontoon.

## **Schedule 2**

1. The operator of a licensed premises must ensure that alcohol consumed at the premises is only consumed by patrons of the premises who are seated in the area of the premises, where the alcohol is to be consumed, except where –
  - (a) the area is an outdoor space of the licensed premises; and
  - (b) the licensed premises is authorised to sell alcohol, for consumption on the licensed premises, under a liquor licence within the meaning of the *Liquor Licensing Act 1990*.

2. The operator of a premises must not operate an area of the premises for dancing –
- (a) unless –
    - (i) the area operated for dancing is a separate undivided space on the premises; and
    - (ii) the dancing is a pre-arranged class, or activity, where contact information is kept for each person who participates in the dancing or who is otherwise in the area while the dancing occurs; and
    - (iii) food or alcohol is not consumed in the area while the dancing occurs or in connection with the dancing; or
  - (b) unless –
    - (i) the premises is being operated for the purposes of a wedding or a wedding reception; and
    - (ii) the only persons dancing in the area provided for dancing are the parties getting married at the wedding, the parents or guardians of those parties and the other members of the bridal party; or
  - (c) unless the area operated for dancing is solely used for dancing by persons who –
    - (i) are employed, or engaged, by the operator of the premises to dance at the premises; and
    - (ii) are dancing at the premises in accordance with that employment or engagement; or
  - (d) unless –
    - (i) all, or part, of the premises is being operated 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 area operated for dancing is solely operated for dancing by students and teachers, who ordinarily attend the school, at the end-of-year function; and
    - (iii) alcohol is not consumed, or offered for consumption, as part of the function or in connection with the function.

3. 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.