

Public Health Act 1997

DIRECTION UNDER SECTION 16

(Contact tracing – No. 2)

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 –

- (a) for the purpose of rapidly identifying possible contacts that may be exposed to the disease at, or in connection with, a relevant location, the owner or operator of the relevant location must keep the information specified in paragraph (b) in respect of –
 - (i) each person who enters onto the premises of a relevant location and remains on those premises for at least 15 minutes; and
 - (ii) each time such a person enters, and remains, on those premises; and

- (b) the following information is required to be kept in respect of each person to whom paragraph (a) applies:
 - (i) the name of the person;
 - (ii) a telephone number by which the person is able to be contacted;
 - (iii) the date and time the person entered the premises; and

- (c) information is taken to have been kept under paragraph (b) in respect of a person to whom paragraph (a) applies due to that person’s entry onto the premises of a relevant location if –
 - (i) the person is a member of a group of persons that intends to use the services of the relevant location as a group; and
 - (ii) a person within that group –
 - (A) has provided his or her information required to be kept under paragraph (b); and
 - (B) in providing that information, has agreed to be the contact person for each other member of that group in respect of that entry onto the premises of that relevant location; and

- (d) the owner or operator of a relevant location must refuse a person entry onto the premises of the business if –
 - (i) paragraph (a) applies to the entry of the person on the premises of the business; and
 - (ii) subject to paragraph (c), the person refuses to provide the information referred to in paragraph (b) in respect of the person or another person in the care or charge of the person; and

- (e) the owner or operator of a relevant location is taken to keep information in respect of a person, for the purposes of this direction, if the information is kept in format that enables the Director of Public Health or his or her delegate, if required under this direction, to directly access the information for the purposes of this direction; and

- (f) information required to be kept in respect of a person by the owner, or operator, of a relevant location under this direction –
 - (i) is information obtained by the owner or operator for the purposes of –
 - (A) the management, detection, notification, treatment or prevention of the spread of the disease; or
 - (B) managing a threat to public health, or a likely threat to public health, as a result of the disease; or
 - (C) ensuring compliance with, and enforcing, this Act; and
 - (ii) must be kept in writing for a period of at least 28 days after the person has entered onto the premises of the relevant location as recorded in the information; and
 - (iii) must not be used, or disclosed, other than as authorised under the Act; and

- (g) the owner, or operator, of a relevant location –
 - (i) if requested to do so by the Director of Public Health or his or her delegate, must disclose information kept under this direction to the

Director of Public Health or his or her delegate as soon as possible after the request has been made to the owner or operator; and

(ii) if information is disclosed under subparagraph (i), is taken to have been disclosed for a purpose specified in paragraph (e)(i); and

(h) in this direction –

(i) **relevant location** includes –

(A) a business specified in Schedule 1; and

(B) premises used to operate, or provide, a business, service or gathering specified in Schedule 1; and

(C) on and after 15 December 2020, a business or service specified in Schedule 2; and

(D) on and after 15 December 2020, premises used to operate, or provide, a business or service specified in Schedule 2; and

(ii) **writing** has the same meaning as in the *Acts Interpretation Act 1931*; and

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

(i) the direction given by the Director of Public Health, given under section 16 of the Act on 11 November 2020 and entitled *Contact tracing – No. 1*, is revoked.

Dated: 27 November 2020

Signed: 

Director of Public Health

Schedule 1

1. Restaurants, cafes and other retail food businesses and outlets, where food is sold for consumption at those premises.
2. Premises where alcohol is sold for consumption at those premises, including pubs, registered and licensed clubs and hotels, other than such part of those premises lawfully operated to provide alcohol for consumption at a location other than the premises.
3. A gathering, if a direction made under section 16 of the Act requires an event COVID safety plan, in a form approved by the Director of Public Health, to be developed and implemented in respect of the gathering.

Schedule 2

1. Places of worship, religious gatherings, religious premises, and other similar premises, including premises used to perform a wedding or a funeral.
2. Cinemas, entertainment venues, casinos, gaming or other gambling venues, dance venues, night clubs, strip clubs, brothels and other similar premises.
3. Galleries, museums, national institutions, historic sites and other similar premises.
4. Tourist premises, venues and sites, where consideration is paid to enter such a premises, venue and site.
5. Tourism activities, and services, that are provided for consideration.
6. Concert venues, theatres, arenas, auditoriums, stadiums and other similar premises.
7. Amusement parks, arcades, play centres and other similar premises, regardless of whether the premises are an indoor space or an outdoor space, other than skate parks and playgrounds.
8. Auction houses, real estate auctions and houses open for inspection, including display homes.
9. Hair dressing and hair salons.

10. Beauty treatment premises, including body modifications, tattoos, piercing, waxing and nail services.
11. Spas and massage parlours and other similar premises.
12. Swimming pools, gymnasiums, health clubs, fitness centres, wellness centres (including yoga and barre premises) and other similar premises or venues, whether indoors or outdoors.
13. Venues used for sport or fitness, saunas, bath houses and other similar premises or venues, whether indoors or outdoors.
14. Premises used for personal training and other pre-arranged sporting activities.
15. Zoos, wildlife centres, animal parks, petting zoos, aquariums, marine parks or similar premises.