

Public Health Act 1997

DIRECTION UNDER SECTION 16

(Contact tracing – No. 5)

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 –

- (a) subject to paragraph (b), this direction applies to –
 - (i) each person who –
 - (A) has attained the age of 16 years; and
 - (B) 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) this direction does not apply to a person if –
 - (i) the person enters onto the premises of a relevant location, and remains on those premises for at least 15 minutes, as part of a group excursion that is provided by a school, within the meaning of the *Education Act 2016*, as part of education at the school; and
 - (ii) the person is a student enrolled at the school; and

- (c) for the purpose of rapidly identifying possible contacts that may be exposed to the disease at, or in connection with, a relevant location, the following information is required to be kept in respect of each person to whom this direction applies:
 - (i) the name of the person;
 - (ii) a telephone number by which the person is able to be contacted;
 - (iii) where practicable, an email address of, or an email contact for, the person;
 - (iv) the date and time the person entered the premises of the relevant location; and

- (d) subject to paragraphs (e)(iii) and (f), a person to whom this direction applies must, in respect of his or her entry onto the premises of the relevant location –
 - (i) use the Check in TAS app to record the information required to be kept by the person under paragraph (c) in respect of his or her entry onto the premises; or
 - (ii) provide, in accordance with paragraph (e)(iii) or (f), the information required to be kept by the person under paragraph (c) in respect of his or her entry onto the premises; and

- (e) the owner or operator of a relevant location must –
 - (i) ensure that a QR code, that is compatible with the Check in TAS app, has been applied for and received in respect of the relevant location; and
 - (ii) display in prominent locations that are accessible by all persons who enter the premises of the relevant location a QR code, that is compatible with the Check in TAS app, for the relevant location; and
 - (iii) for the purposes of enabling a person at the relevant location to provide the information required to be kept under paragraph (c) in respect of the person's entry on the premises of the relevant location, ensure that at least one of the following is in place in respect of the relevant location:
 - (A) a means of accessing the Check in TAS app is made available for persons who are unable to otherwise access the Check in TAS app as required under this direction;
 - (B) a means of keeping that the information, required to be kept under paragraph (c) in respect of a person's entry on the premises of the relevant location, in accordance with paragraph (f); and
 - (iv) refuse a person entry onto the premises of the relevant location if –
 - (A) this direction applies to the entry of the person on the premises of the relevant location; and

- (B) the person refuses to provide the information required to be kept under paragraph (c) in respect of the person's entry on the premises of the relevant location; and
- (f) if the owner or operator of a relevant location knows, or reasonably ought to know, that the Check in TAS app is not available in respect of the relevant location or for certain persons at the relevant location, the owner or operator must ensure that the information required to be kept under paragraph (c) in respect of a person's entry on the premises of the relevant location is kept –
 - (i) while the Check in TAS app is not available; and
 - (ii) in a format that enables the Director of Public Health or his or her delegate, if required under paragraph (i) of this direction, to access the information for the purposes of this direction; and
- (g) if the owner or operator of a relevant location knows, or reasonably ought to know, that the relevant location is outside the wireless network required to operate the Check in TAS app, paragraph (e)(ii) and (iii) do not apply in respect of that location if the owner or operator of the location complies with paragraph (f); and
- (h) information required to be kept in respect of a person under this direction –
 - (i) is information obtained 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, under this direction, 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

- (i) 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 (h)(i); and

- (j) in this direction –
 - (i) **Check in TAS app** means the application developed, for download to a mobile device, on behalf of the Department of Health of Tasmania for the purpose of rapidly identifying possible contacts that may be exposed to the disease at, or in connection with, a relevant location; and
 - (ii) **relevant location** means a business, or a premises used to operate, or provide, a business, service or gathering, specified in Schedule 1; and
 - (iii) **premises** has the same meaning as in the Act; and

- (k) the direction given by me, on 18 March 2021 and entitled *Contact tracing – No. 4*, is revoked.

Dated:..... 14/5/21

Signed:..... 

Deputy 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.
4. Places of worship, religious gatherings, religious premises, and other similar premises, including premises used to perform a wedding or a funeral.
5. Cinemas, entertainment venues, casinos, gaming or other gambling venues, dance venues, night clubs, strip clubs, brothels and other similar premises.
6. Galleries, museums, national institutions, historic sites and other similar premises.
7. Tourist premises, venues and sites, where consideration is paid to enter such a premises, venue and site.
8. Tourism activities, and services, that are provided for consideration.
9. Concert venues, theatres, arenas, auditoriums, stadiums and other similar premises.
10. 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.
11. Auction houses, real estate auctions and houses open for inspection, including display homes.
12. Hair dressing and hair salons.
13. Beauty treatment premises, including body modifications, tattoos, piercing, waxing and nail services.
14. Spas and massage parlours and other similar premises.
15. Swimming pools, gymnasiums, health clubs, fitness centres, wellness centres (including yoga and barre premises) and other similar premises or venues, whether indoors or outdoors.
16. Venues used for sport or fitness, saunas, bath houses and other similar premises or venues, whether indoors or outdoors.

17. Premises used for personal training and other pre-arranged sporting activities.
18. Zoos, wildlife centres, animal parks, petting zoos, aquariums, marine parks or similar premises.