Public Health Act 1997

DIRECTION UNDER SECTION 16
(Management of premises – No. 1)

I, MARK VEITCH, the Director of Public Health, in pursuance of section 16 of the Public Health Act 1997, in order to manage the threat to public health posed by the notifiable disease known as COVID-19 ("the disease"), direct that, commencing from 12 noon on 26 June 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 20 other persons; and

(b) in relation to premises specified in Schedule 1, a person who owns or operates the premises must ensure that the number of persons on the premises does not exceed the total number of persons lawfully permitted in the premises under the occupancy permit, or temporary occupancy permit, in force for the premises under the Building Act 2016; and

(c) in relation to a premises not specified in paragraph (a) or (b), 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) this direction does not apply to premises if those premises are private vehicles, private vessels or private aircraft; and

(f) 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

(g) in this direction –

(i) **indoor space** means an area, room or premises that 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) **maximum density**, in relation to an undivided space, means the lesser of the following:

(A) the number of persons calculated for the undivided space by dividing the total number of square metres of the floor area of the space by 2;

(B) if the undivided space is an outdoor space, 500 persons;

(C) if the undivided space is an indoor space, 250 persons; and

(iii) **outdoor space** means a space that is not an indoor space; and

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

(v) **undivided space** includes an indoor space, or an outdoor space, other than a lift, elevator or similar space; and
(h) on 12.01 pm on 26 June 2020, the direction given by the Director of Public Health, given under section 16 of the Act on 17 June 2020 and entitled Gatherings – No. 12, is revoked.

Dated: 26 June 2020  Time: 1140
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 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.
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, 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.
Schedule 2

1. The operator of a premises that may lawfully sell alcohol for consumption at the premises must ensure that alcohol sold for consumption at the premises is only to patrons of the premises who are seated where the alcohol is to be consumed.

2. The operator of a premises that may lawfully sell food or drink, or both, at the premises must not provide, or enable the provision of, a service or activity for patrons at the premises unless the service or activity is undertaken while the patrons are seated at the premises.

3. The operator of a premises used for sports, recreation, physical activity or wellness must ensure that at least one person (who is employed, engaged or authorised by the operator of the premises to supervise the premises) is present on the premises at all times while the premises is open to patrons.

4. 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.