

*Public Health Act 1997*

**DIRECTION UNDER SECTION 16**

*(Contact tracing – No. 11)*

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 15 December 2021 –

- (a) subject to paragraph (b), this direction applies to each person who –
  - (i) has attained the age of 16 years; and
  - (ii) enters the premises of a relevant location; and
  
- (b) this direction does not apply to a person if –
  - (i) the person is a student of a school, within the meaning of the *Education Act 2016*, if the relevant location –
    - (A) is the school where the student is enrolled; or
    - (B) a location where the student is undertaking an examination, or test, in his or her capacity as a student of the school; or
    - (C) is a large passenger vehicle, or a vessel providing a passenger ferry service, that is transporting the student on a school day within the meaning of that Act; or
  - (ii) the relevant location is a kindergarten, or school providing primary education, within the meaning of the *Education Act 2016* and the person is entering the relevant location solely for the purpose of dropping off a student at, or collecting a student from, the relevant location; or
  - (iii) the relevant location is a child care centre, within the meaning of the *Child Care Act 2001*, and the person is entering the relevant location solely for the purpose of dropping off a child enrolled at the centre, or collecting a child enrolled in the centre from, the relevant location; or
  - (iv) the person –

- (A) enters the premises of a relevant location 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
- (B) is a student enrolled at the school; or
- (v) the person is a worker within the meaning of the *Work Health and Safety Act 2012* and –
  - (A) the relevant location is the workplace, within the meaning of that Act, for the worker; and
  - (B) the worker is entering the premises of the workplace, in his or her capacity as a worker, that the worker has previously entered within the previous 24-hour period; and
  - (C) the worker has complied with this direction in respect of those premises at the time of the worker's previous entry onto those premises during that period; or
- (vi) the person is a resident at accommodation premises referred to in item 1 of the Schedule to this direction and the person has complied with this direction in respect of those premises within the previous 24-hour period; or
- (vii) the person is a passenger on a vessel providing a cruise service and the person has complied with this direction in respect of that vessel within the previous 24-hour period; or
- (viii) the relevant location is a vessel providing a passenger ferry service and the person –
  - (A) is in a personal vehicle while travelling on the vessel; and
  - (B) does not leave the personal vehicle at any stage while the vehicle is on the vessel or at either terminal from where vehicle drove onto, or off, the vessel; and
- (ix) the relevant location is an airport premises referred to in item 2 of the Schedule to this direction and the person is entering those premises after disembarking from an aircraft that has landed at the premises; and
- (x) the person is responding to an emergency in his or her capacity as an emergency management worker within the meaning of the *Emergency Management Act 2006*; 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 the time that 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 onto 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 that 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 the information, required to be kept under paragraph (c) in respect of a person's entry onto the premises of the relevant location, in accordance with paragraph (f); 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 onto 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) paragraphs (e)(iii) and (f) do not apply to a relevant location if –
  - (i) the relevant location is a large passenger vehicle or vessel providing a passenger ferry service; or
  - (ii) the relevant location –
    - (A) is an playground, play area, skate park, oval, sport field or court, recreational area or similar premises; and
    - (B) is open to all members of the public without payment; and
    - (C) is primarily used by members of the public without the permission of, or supervision by, members of staff for the location; and

- (i) 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, the 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
  
- (j) 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 disclosed the information for a purpose specified in paragraph (i)(i); and
  
- (k) 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) **cruise service** means the carriage of passengers on a vessel, whether to and from the same port or different ports, primarily for the purposes of the leisure and pleasure of those passengers; and

- (iii) **large passenger vehicle** has the same meaning as in the *Passenger Transport Services Act 2011*; and
  - (iv) **passenger ferry service** means the carriage of passengers, whether to and from the same location or different locations, on a vessel; and
  - (v) **personal vehicle** means a vehicle, within the meaning of the Act, that is not being operated for consideration, whether monetary or otherwise, at the relevant time; and
  - (vi) **premises** has the same meaning as in the Act; and
  - (vii) **relevant location** means premises, or vehicle or vessel, specified in Schedule 1 other than residential premises that only fall within an item of that Schedule by virtue of goods or services being temporarily provided at the residential premises; and
  - (viii) **residential premises** means such part of premises where persons ordinarily reside on a permanent or semi-permanent basis; and
- (l) the *Acts Interpretation Act 1931* applies to the interpretation of this direction as if it were regulations made under the Act; and
- (m) on 15 December 2021, the direction given by me, on 6 October 2021 and entitled *Contact tracing – No. 10*, is revoked.

Dated: 1 December 2021

Signed: 

Director of Public Health

**Schedule 1**

**1. Accommodation locations**

All premises where accommodation for persons is provided for consideration, other than the residential premises of the person, including but not limited to –

- (a) hotels, motels, bed and breakfasts and hostels and other similar premises; and
- (b) short stay accommodation and other similar premises, except where –
  - (i) the residents of the premises are primarily persons with a disability; and
  - (ii) the payment for residing at the premises is paid, or reimbursed, by the National Disability Insurance Scheme within the meaning of the *National Disability Insurance Scheme Act 2013* of the Commonwealth; and
- (c) caravan parks, campsites, camping areas and other similar premises.

## **2. Airport premises**

All premises that contain an aerodrome, whether private or commercial, that have enclosed terminals, or other buildings or structures, that are used by a pilot, crewmember or passenger of an aircraft at the aerodrome.

## **3. Animal health and care locations**

All premises where services for the health and care of animals are provided, including but not limited to –

- (a) premises where veterinary services, within the meaning of the *Veterinary Surgeons Act 1987*, or other similar services are provided; and
- (b) premises where grooming and other care and beauty services are provided to animals.

## **4. Education and child care locations**

All premises where child care services and educational services up to, and including, senior secondary education are provided, including but not limited to –

- (a) a school within the meaning of the *Education Act 2016*; and

- (b) a child care service, or an education and care service, within the meaning of the *Child Care Act 2001*, other than a child care service that is provided at residential premises for the children that ordinarily reside at those residential premises.

#### **5. Entertainment, cultural and historic locations**

All premises where entertainment is, or items of cultural or historic interest are, provided for members of the public, or a class of members of the public, whether for consideration or for free, including but not limited to –

- (a) cinemas, theatres, concert premises and other entertainment premises; and
- (b) casinos, gaming and other gambling premises; and
- (c) dance venues, night clubs, strip clubs, brothels and other similar premises; and
- (d) libraries, galleries, museums, national institutions, historic sites and other similar premises; and
- (e) arenas, auditoriums, stadiums and other similar premises; and
- (f) amusement parks, arcades, play centres and other similar premises, regardless of whether the premises are an indoor space or an outdoor space; and
- (g) playgrounds, play areas, skate parks and other similar premises, regardless of whether the premises are an indoor space or an outdoor space; and
- (h) zoos, wildlife centres, animal parks, petting zoos, aquariums, marine parks or similar premises.

#### **6. Events locations**

All premises where an event is being held –

- (a) if the event is required, under a direction made under section 16 of the Act, to be registered with, or approved by, the Director of Public Health or his or her delegate; and
- (b) while the event is being held.



## **7. Fitness, sports and physical recreation locations**

All premises, whether indoors or outdoors, that are primarily used for organised fitness, sports and physical recreation activities, including but not limited to –

- (a) gymnasiums, health clubs, fitness centres, wellness centres (including yoga and barre premises) and other similar premises or venues; and
- (b) swimming pools for use by members of the public, or a class of members of the public; and
- (c) spas, saunas, bath houses and other similar premises or venues; and
- (d) premises used for personal training and other pre-arranged sporting activities; and
- (e) ovals, sports fields, sporting courts, recreational areas and other similar premises or venues.

## **8. Food and beverage locations**

All premises where food and beverages are sold for consumption, whether on those premises or elsewhere, including but not limited to –

- (a) restaurants, cafes and other retail food businesses and outlets; and
- (b) food courts or similar premises; and
- (c) mobile food vans and stalls, except where –
  - (i) the van or stall is located at a retail location in item 13; and
  - (ii) the information required under this direction is provided upon entry onto the retail location; and
- (d) pubs, registered and licensed clubs and hotels, and other premises where alcohol is sold for consumption.

## **9. Hair, beauty and personal care locations**

All premises where services relating to beauty and personal care and treatment are provided to a person, whether for consideration or for free, including but not limited to –

- (a) hair dressing premises and hair salons; and

- (b) tattoo, piercing and body modification premises and other similar premises; and
- (c) tanning, waxing and hair removal premises and other similar premises; and
- (d) nail parlours and other similar premises; and
- (e) spas, massage parlours and other similar premises.

**10. Health, medical and aged care locations**

All premises –

- (a) where health and medical services, or treatments, are provided other than –
  - (i) premises that are solely used to provide administrative functions or purposes, or remote provision of, those services or treatments; or
  - (ii) premises that are operated by the Department of Health; or
  - (iii) residential premises where the health or medical services or treatments are provided to persons who ordinarily reside at those residential premises; and
- (b) at which accommodation, and personal care or nursing care or both, are provided to a person in respect of whom a residential care subsidy or a flexible care subsidy is payable under the *Aged Care Act 1997* of the Commonwealth.

**11. Passenger transport services and locations**

All vehicles or vessels used to provide, and all enclosed terminals or premises used by passengers in the provision of –

- (a) a passenger transport service, within the meaning of the *Passenger Transport Services Act 2011*, other than a passenger transport service where –
  - (i) all or any of the passengers of the service do not pay a fare, within the meaning of that Act, for the service; or
  - (ii) the service of is not available to the general public and the passengers of the service are primarily students of a school within the meaning of the *Education Act 2016*; or

- (b) a passenger ferry service, other than a vessel, used to provide a passenger ferry service, that is operated by the Company within the meaning of the *TT-Line Arrangements Act 1993*; or
- (c) a cruise service for the passengers of the vessel.

## **12. Places of worship locations**

All premises where religious and non-denominational gatherings occur and religious and non-denominational services are performed, including but not limited to –

- (a) churches, temples and other places of worship; and
- (b) places where religious gatherings occur and religious services are performed; and
- (c) premises where weddings, funerals, baptisms, christenings and other services are performed, whether religious or non-denominational.

## **13. Retail locations**

All premises where goods and services are for sale or inspected for sale, including but not limited to –

- (a) shops, pharmacies, supermarkets and other similar premises; and
- (b) shopping centres and other similar premises; and
- (c) markets, fairs and other similar premises; and
- (d) auction houses and real estate auctions; and
- (e) properties open for inspection, including display homes –

other than the following premises:

- (f) premises where a prospective purchaser of goods or services does not enter the premises to make the purchase;
- (g) a stall, booth or stand or other similar premises if –
  - (i) the stall, booth or stand is at a retail location in paragraph (c);  
and
  - (ii) the information required under this direction is provided upon entry onto the retail location.

#### **14. Tourist and tourism locations**

All premises where tourism for consideration may occur, including but not limited to –

- (a) tourist premises, and venues and sites, where consideration is paid to enter such premises, venue or site; and
- (b) tourist activities, and services, that are provided for consideration.