

*Public Health Act 1997*

**DIRECTION UNDER SECTION 16**

*(Additional requirements for certain venues – 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) on and from 6 December 2021, a person must not enter, or remain on, the premises of a relevant licensed venue unless the person has –
  - (i) been fully vaccinated in respect of the disease; or
  - (ii) is not required, under paragraph (d), to be fully vaccinated in respect of the disease to enter the premises; and
  
- (b) on and from 6 December 2021, a person on the premises of a relevant licensed venue must, while he or she is on those premises, carry one of the following pieces of evidence:
  - (i) if the person is required, under this direction, to be fully vaccinated in respect of the disease while on the premises of the relevant licensed venue, evidence of the person's vaccination status;
  - (ii) if the person is not required under paragraph (d)(i) to be fully vaccinated in respect of the disease while on the premises of the relevant licensed venue, a copy of the document held by the person as required under paragraph (d)(i)(B);
  - (iii) if the person is not required under paragraph (d)(ii), (iii) or (v) to be fully vaccinated in respect of the disease while on the premises of the relevant licensed venue, evidence that paragraph (d)(ii), (iii) or (v) applies to the person while he or she is on the premises of the venue; and
  
- (c) if a police officer suspects that a person is on, or has been on, the premises of a relevant licensed venue –

- (i) the police officer may request a person provide evidence of the person's vaccination status; and
  - (ii) if a request is made of a person under sub-paragraph (i), the person must provide the evidence carried by the person, as required under paragraph (b), to the police officer; and
- (d) a person is not required to be fully vaccinated in respect of the disease to enter, or remain on, the premises of a relevant licensed venue if –
- (i) the person –
    - (A) is unable to be vaccinated against the disease due to a medical contraindication; and
    - (B) holds –
      - (I) a medical certificate or other similar document, granted by a medical practitioner within the meaning of the *Acts Interpretation Act 1931*, that certifies that the person has a medical contraindication that prevents the person from being vaccinated; or
      - (II) a medical exemption, that applies to the vaccinations for the disease, that is recorded in respect of the person on the Australian Immunisation Register, operated by or on behalf of the Commonwealth Government; or
  - (ii) the person is ineligible, due to the person's age, to be vaccinated against the disease until a later phase of the vaccination program recognised by the Director of Public Health or his or her delegate; or
  - (iii) the person –
    - (A) is employed or engaged to work at the premises of the relevant licensed venue; and
    - (B) is entering, or remaining on, the premises before 15 December 2021; or
  - (iv) the person is only present on the premises of the relevant licensed venue for the purposes of -
    - (A) delivering goods to, or collecting goods from, the venue; or
    - (B) providing necessary cleaning or sanitation services in respect of the venue; or

- (C) undertaking repair, or maintenance, work at the venue; or
  - (v) the person is only present on the premises of the relevant licensed venue for the purpose of providing emergency medical treatment (including transport), emergency management or law enforcement services; and
  
- (e) on and from 6 December 2021, the owner, or operator, of a relevant licensed venue must ensure that each person who intends on entering the premises of the relevant licensed venue is notified, before entering the premises, that persons are required to be fully vaccinated in respect of the disease to enter the premises; and
  
- (f) in this direction –
  - (i) **alcohol** means liquor within the meaning of the *Liquor Licensing Act 1990*; and
  - (ii) **entertainment venue** means a cinema, concert venue, theatre, auditorium or similar space; and
  - (iii) **evidence of the vaccination status**, in respect of a person, means –
    - (A) a vaccination certificate in respect of the disease issued to the person by the Australian Immunisation Register, operated by or on behalf of the Commonwealth Government; or
    - (B) an equivalent document from a jurisdiction outside of Australia that is issued to the person and is recognised by the Commonwealth Government or the Director of Public Health; or
    - (C) evidence, that is recognised by the Director of Public Health, that a person has been issued with a document referred to in paragraph (A) or (B); and
  - (iv) **exempt venue** means -
    - (A) a restaurant or café where patrons are only served alcohol for consumption while seated; or
    - (B) an entertainment venue; or
    - (C) a stadium or arena; or

- (D) a premises, or part of premises, operated by or on behalf of a charity, a not-for-profit organisation, a sporting or recreational group, or a Government organisation; or
- (E) a premises, or part of a premises, that is being used for a private event if the premise, or part of the premises, is closed to members of the public who are not attending the private event; and
- (v) **fully vaccinated**, in respect of the disease, means a person has received all of the doses of a vaccine for the disease that is necessary for the person to be issued with evidence of the vaccination status of the person; and
- (vi) **indoor area** 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
- (vii) **outdoor area** means an area of a premises that is not –
  - (A) an indoor area; or
  - (B) a lift, elevator or similar space; and
- (viii) **premises** has the same meaning as in the Act; and
- (ix) **private event** means –
  - (A) a wedding or a funeral, or a reception before or after a wedding or a funeral; or
  - (B) an event that is not open to members of the public and requires an invitation to attend;
- (x) **relevant licensed venue** means a premises or part of premises, other than an exempt venue, where alcohol is served or offered –
  - (A) if –
    - (I) the premises, or part of premises, is operating under an on-licence, or a general licence or a permit granted under the *Liquor Licensing Act 1990*; or
    - (II) more than 250 persons are at an event in an indoor area of the premises or part of premises; or

- (III) more than 500 persons are at an event in an outdoor area at the premises or part of premises; and
- (B) if, at the time the alcohol is being served or offered –
  - (I) the alcohol is to be consumed on the premises of the venue; and
  - (II) one or more persons at the premises are likely to consume the alcohol while the persons are not seated at the venue; and
- (xi) **stadium or arena** means a premises that is primarily intended for use for sporting and other similar recreational activities; and
- (xii) **vaccine for the disease** includes –
  - (A) a vaccine that is registered, for use in respect of the disease, by the Therapeutic Goods Administration; and
  - (B) a vaccine that, in advice issued by the Therapeutic Goods Administration, the Therapeutic Goods Administration considers to be a “recognised vaccine” in respect of the disease; and
- (g) the *Acts Interpretation Act 1931* applies to the interpretation of this direction as if it were regulations made under the Act; and
- (h) the direction, given by me on 2 December 2021 and entitled *Additional requirements for certain venues – No. 1*, is revoked.

Dated:.....10 December 2021

Signed:.....

Director of Public Health