

Direction from Chief Health Officer in accordance with emergency powers arising from the declared public health emergency

Public Health Act 2005 (Qld)

Section 362B

On 29 January 2020, under the *Public Health Act 2005*, the Minister for Health and Minister for Ambulance Services made an order declaring a public health emergency in relation to coronavirus disease (COVID-19). The public health emergency area specified in the order is for 'all of Queensland'. Its duration has been extended by regulation to 19 May 2020.

Further to this declaration, I, Dr Jeannette Young, Chief Health Officer, reasonably believe it is necessary to give the following directions pursuant to the powers under s 362B of the *Public Health Act 2005* to assist in containing, or to respond to, the spread of COVID-19 within the community.

Preamble

1. This Public Health Direction replaces the Public Health Direction referred to as the Non-essential business, activity and undertaking Closure Direction (No. 4) made on 31 March 2020.
2. This Public Health Direction is to be read in conjunction with other Public Health Directions issued under section 362B of the *Public Health Act 2005* that have not expired or been revoked.

Citation

3. This Public Health Direction may be referred to as the Non-essential business, activity and undertaking Closure Direction (No. 5).

Revocation

4. The Non-essential business, activity and undertaking Closure Direction (No. 4) made on 31 March 2020 is revoked from the time of publication of this direction.

PART 1 – DIRECTION - NON-ESSENTIAL BUSINESS, ACTIVITY, OR UNDERTAKING

5. These directions apply from the time of publication until the end of the declared public health emergency, unless they are revoked or replaced.
6. A person who owns, controls or operates a non-essential business, activity, or undertaking in the State of Queensland, including operating at a private residence, must not operate the business, activity or undertaking during the period specified in paragraph 5, subject to the exceptions set out in Column 2 of the Definitions table at paragraph 8.
7. Despite paragraph 6, a person who owns, controls or operates a non-essential business, activity or undertaking may continue to do so online or through the internet, unless stated otherwise in Column 1 of the Definitions table at paragraph 8.

Examples – a business selling goods or providing services online or a personal trainer who offers personal training sessions online.

8. For the purposes of this Public Health Direction:

Non-essential business, activity, or undertaking means a business, activity, undertaking, premises or place listed in Column 1 unless the exception listed in Column 2 applies:

<p>Column 1 Business, activity, undertaking, premises or place</p>	<p>Column 2 Exceptions</p>
<p><i>Food and drink</i></p> <p>Cafes, restaurants, fast-food outlets, food courts (together retail food services)</p>	<ul style="list-style-type: none"> • Takeaway service and home delivery can remain operational. All takeaway services must comply with the conditions provided in paragraph 9 below. <ul style="list-style-type: none"> ◦ Retail food services at an airport that are reasonably necessary for the normal business of the airport, with social distancing observed. ◦ Provision of food or drink by or on behalf of an employer to employees or contractors that is reasonably necessary for the employer’s normal operations, with social distancing observed. • Workplace canteens can provide takeaway, with social distancing observed. <ul style="list-style-type: none"> ◦ Provision of food or drink by a school, university, educational institution or childcare facility that is reasonably necessary for the normal business of the facility, with social distancing observed. • Provision of food or drink at a hospital, prison, military facility, disability facility, resources sector facility

Column 1 Business, activity, undertaking, premises or place	Column 2 Exceptions
	<p>including a canteen or mess hall or aged care facility that is reasonably necessary for the normal business of the facility, with social distancing observed.</p> <ul style="list-style-type: none"> • Retail or other provision of food and drink to heavy vehicle drivers and <i>essential road users at a truck driver rest facility</i>. This exemption is subject to the facility implementing the conditions in paragraph 10 below. • Services providing food or drink to the homeless, with social distancing observed. • Hotel room service or similar services for hotel guests.
<i>Retail</i>	
Auction houses	
Real estate auctions and open house inspections	Private appointments for inspection.
Outdoor and indoor markets	Food markets and farmers markets may continue to operate
<i>Weapons, ammunition and propellants</i>	
<p>Licensed armourers and licensed dealers as defined under the <i>Weapons Act 1990</i></p> <p>The holder of a licence as defined under the <i>Explosives Act 1999</i> licenced to sell ammunition under the <i>Explosives Regulation 2017</i>.</p>	<p>A licensed armourer, licensed dealer or authority holder may store, manufacture, modify, repair, acquire or supply weapons and/or</p>

<p>Column 1 Business, activity, undertaking, premises or place</p>	<p>Column 2 Exceptions</p>
<p><i>These businesses are not permitted to sell or supply weapons, ammunition or propellant powders online or through the internet unless one of the exceptions in Column 2 applies.</i></p> <p>For the purposes of this direction, ammunition means small arms ammunition for firearms</p> <p><i>Example - cartridges used in firearms or propellant powders used for small arms ammunition.</i></p>	<p>ammunition to, for or on behalf of:</p> <ul style="list-style-type: none"> • a government service entity within the meaning of the <i>Weapons Act 1990</i>, section 2; or • Commonwealth, State or Territory military, corrections or police organisations; or • a local government that holds a Group Licence under the <i>Weapons Regulation 2016</i>; or • the holder of a security licence (organisation) or a security licence (guard) issued under the <i>Weapons Act 1990</i>; or • international military, defence or security organisations; or • another licenced armourer or licenced dealer (including inter-state dealer or armourer licenced under the legislation of another State or Territory) in accordance with the conditions of their licence; or • the following persons who require or use a weapon for occupational purposes relating to primary production, animal welfare, nature conservation or pest management: <ul style="list-style-type: none"> ◦ a primary producer, as defined under subsection 995-1(1) of the <i>Income Tax Assessment Act 1997</i> (Cth), able to

Column 1 Business, activity, undertaking, premises or place	Column 2 Exceptions
	<p>produce a Queensland firearms licence bearing one or more of the following condition codes – PPA, PP2, PP3, PP4, PP5, PP6, PPH; or</p> <ul style="list-style-type: none"> ◦ an occupational shooter who is: <ul style="list-style-type: none"> ▪ able to produce a Queensland Firearms licence bearing one or more of the following condition codes – OCA, OC2, OC3, OC4, OC5, OC6, AC1, AC3, AC4, OCC; or ▪ able to produce a Queensland Firearms licence bearing one or more of the following condition codes – RE1, RE2 and who is able to produce: <ul style="list-style-type: none"> ▪ the most recent Local Government Rates Notice evidencing that the licence holder owns rural land; or ▪ documentation from a rural land owner permitting the licence holder to shoot on the rural land for a rural purpose; or ▪ documentation evidencing the licence holder

Column 1 Business, activity, undertaking, premises or place	Column 2 Exceptions
	<p>has a current rental or agistment arrangement for rural land; or</p> <ul style="list-style-type: none"> ◦ a commercial pest controller or feral animal controller who is: <ul style="list-style-type: none"> ▪ authorised to undertake vertebrate pest (vermin) control on rural land; and ▪ able to produce a Queensland Firearms licence bearing one or more of the following condition codes – FCA, FC2, FA3, FA4, FA5, FA6, FAH; or ◦ the holder of a damage mitigation permit under the <i>Nature Conservation Act 1992</i>; or ◦ a veterinary surgeon, as defined under the <i>Veterinary Surgeons Act 1936</i> for animal welfare purposes; or ◦ an authorised biosecurity officer for animal welfare purposes; or ◦ a shark control contractor authorised under the <i>Queensland Fisheries Act 1994</i>; or ◦ a person with a valid current macropod harvesting licence under the <i>Nature</i>

Column 1 Business, activity, undertaking, premises or place	Column 2 Exceptions
	<p><i>Conservation Act 1992.</i></p> <p>A licensed dealer may dispose of firearms to individuals who hold <i>Permits to Acquire</i> issued prior to 28 March 2020.</p> <p>A licensed armourer or licensed dealer may acquire, store, register and destroy firearms and ammunition from any individual.</p> <p>A licensed armourer, licensed dealer or authority holder may continue to operate the part of the business that does not store, manufacture, modify, repair, acquire or supply weapons or ammunition.</p> <p><i>Example – a business that sells weapons and fishing gear may continue to sell fishing gear.</i></p>
<p><i>Beauty and personal care services</i></p>	
<p>Hairdressers and barber shops</p>	<p>Can remain operational with no more than one person per 4 square metres, with social distancing observed to the extent possible.</p>
<p>Beauty therapy, tanning, waxing and nail salons, and tattoo parlours</p>	
<p>Spas and massage parlours</p>	<p>Health services provided by health practitioners registered under the Health Practitioner Regulation National Law, with social distancing</p>

Column 1 Business, activity, undertaking, premises or place	Column 2 Exceptions
<i>Entertainment venues</i>	observed to the extent possible.
Registered and licensed clubs, licensed premises in hotels	<p>Bottle shops and off license premises attached to venues may continue to operate, with social distancing observed.</p> <p>Limited to 2 people for outdoor sporting-based activities, with social distancing observed.</p> <p><i>Example - golf and tennis</i></p>
Cinemas, nightclubs	<p>Casinos, gaming or gambling venues including wagering outlets that are open to, and accessible by, members of the public such as TAB agencies and retail outlets</p> <p>Strip clubs, brothels, sex on premises venues and sole operator sex workers</p> <p>Sole operator sex workers may continue to provide online or phone services.</p> <p><i>Example - video streaming or phone chat services</i></p>
Concert venues, theatres, arenas, auditoriums, stadiums	Live streaming of a performance by no more than 2 people is permissible, with social distancing observed.
Theme parks, amusement parks and amusement arcades	
Play centres (indoor and outdoor)	
<i>Leisure and recreation</i>	
Community and recreation centres	

<p>Column 1 Business, activity, undertaking, premises or place</p>	<p>Column 2 Exceptions</p>
	<p>Facilities may remain open for the purpose of hosting essential voluntary or public services, such as food banks or homeless services, with social distancing observed.</p>
<p>Boot camps, personal training</p>	<p>Limited to 2 people including the personal trainer, with social distancing observed.</p>
<p>Indoor sporting centres, including gyms, health clubs, fitness centres, yoga, barre and spin facilities, saunas, bathhouses and wellness centres</p>	
<p>Social sporting-based activities</p>	<p>Limited to 2 people, with social distancing observed.</p>
<p>Swimming pools including public pools and pools in shared facilities such as hotels and apartments</p>	<p>A swimming pool located in a private residential dwelling for the use of the occupants of the dwelling such as a backyard pool.</p>
<p>Public playgrounds, skate parks, BMX tracks and outside gyms, including static exercise equipment in Council parks.</p>	
<p>Public barbeques (such as barbeques in public spaces or shared facilities)</p>	
<p><i>Residential facilities</i></p>	
<p>Hostels, bed and breakfasts, backpackers, boarding houses</p>	<p>May continue to operate for permanent residents, temporary residents and workers of the facility, with social distancing observed.</p> <p><i>Example – a backpacker may be a temporary resident at a hostel</i></p>

<p>Column 1 Business, activity, undertaking, premises or place</p>	<p>Column 2 Exceptions</p>
	<p>Limited to 2 people in common areas such as lounge rooms and shared facilities, with no more than one person per 4 square metres.</p> <p>Limited to 2 people in outdoor areas, that is part of the facility, or near the facility, with social distancing observed.</p>
<p><i>Outdoor recreation</i></p>	
<p>Caravan and camping parks</p>	<p>Where people live permanently in caravan parks or are staying in caravan parks as interim abodes where their primary residence is not available, they may continue to do so, with social distancing observed. This includes the use of cabins within caravan parks.</p> <p>May continue to operate for essential workers such as health practitioners or other persons providing essential services for example, emergency services or infrastructure projects, with social distancing observed.</p>
<p>Campgrounds</p>	
<p>Zoos and wildlife centres</p>	<p>For the purpose of maintenance and care for the animals.</p>
<p><i>Non-residential institutions</i></p>	
<p>Galleries, museums, national and state institutions and historic sites</p>	

<p>Column 1 Business, activity, undertaking, premises or place</p>	<p>Column 2 Exceptions</p>
<p>Libraries, community centres, and youth centres</p>	<p>Community hubs in remote communities may continue to operate if they are essential for distributing health or medical information or education to the community, with social distancing observed.</p>
<p>Local government non-essential facilities and services (such as libraries and pools)</p>	
<p>Community facilities (such as community halls, clubs, RSLs, PCYCs)</p>	<p>Community hubs in remote communities may continue to operate if they are essential for distributing health or medical information or education to the community, with social distancing observed.</p> <p>Community facilities may continue to operate if they provide formal out of school hours care, with social distancing observed.</p>
<p>Places of worship, weddings and funerals</p>	<p>Weddings with a maximum attendance of 5 people being the celebrant, couple and two witnesses with no more than one person per 4 square metres.</p> <p>Funerals attended by a maximum of 10 people with no more than one person per 4 square metres, except if an exemption is granted on compassionate grounds by the Chief Health Officer. The person conducting the funeral service is in</p>

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	<p>addition to the 10 attendees.</p> <p>Live streaming of a wedding or funeral may be conducted with the maximum number of people outlined above.</p> <p>Any other service at a place of worship may be live streamed if the service is conducted by no more than 5 people including the camera operator, with social distancing observed.</p>

9. Additional requirements for the **provision of takeaway** are as follows:
- a. social distancing, including keeping 1.5 metres between people must be accommodated, implemented and monitored by employees or contractors of the retail food service provider;
 - b. gathering for the purposes of ordering or collecting must not exceed one person per 4 square metres;
 - c. the retail food service provider may only operate to the extent they are not promoting or facilitating persons consuming takeaway food or drink on or adjacent to their premises.

Example: tables and chairs should be removed and all reasonable steps taken by the retail food service to direct persons away from gathering to consume takeaway food or drink on or adjacent to, the relevant premise.

10. Additional requirements for the provision of food and beverages by truck driver rest facilities are as follows:
- a. tables, seating and road user numbers should be managed to provide appropriate social distancing according to the latest advice on the Australian Government's Department of Health website;
 - b. remove all self-serve options unless pre-packaged.

Note – The Chief Health Officer has issued a Notice for access to truck driver rest facilities recommending owners or operators of businesses operating truck driver rest facilities continue normal opening hours for heavy vehicle drivers and essential road users during the COVID-19 emergency to assist in the safe movement of road freight, heavy vehicle drivers and essential road users.

Definitions

11. **Community hub** means:
- a. a facility in a remote or discrete community acting as a place of refuge or evacuation place in a disaster; or
 - b. a community facility in an Aboriginal or Torres Strait Islander community that provides essential activities or services relating to child care, youth, harm minimisation and diversion.

Essential road user means a person to whom the following paragraphs (a) to (d) applies:

- a. The person is required to leave their place of residence to:
 - i. perform work or volunteering or carry out or conduct an essential business, activity or undertaking; or
 - ii. to comply with or give effect to the exercise of a power or function of a government agency or entity under a law;
- b. The person's work, business activity or undertaking to be performed is of a nature that cannot reasonably be performed from the person's place of residence;
- c. The person cannot reasonably return to their place of residence, business, work or undertaking to partake in a meal; and
- d. It is reasonably necessary for the person to utilise the facilities of the truck driver rest facility to undertake fatigue management breaks.

Examples – essential road users include road and rail workers such as RoadTek and Queensland Rail maintenance crews, utilities workers, agriculture sector workers (such as specialist maintenance staff required to maintain sugar mills), workers required to calibrate or maintain equipment essential to continue the safe operation of critical infrastructure and systems, critical resources sector employees, emergency services personnel, health practitioners, authorised officers (such as local government inspectors) and volunteers providing essential care (such as a Meals on Wheels volunteer delivering food to the elderly).

Permit to acquire has the same meaning as in Schedule 2 of the *Weapons Act 1990*.

Truck driver rest facility means businesses operating a truck driver lounge, truck driver room, or similar facility at a road side service centre or service station, which normally provide heavy vehicle drivers access to amenities such as food, showers, restrooms and facilities to undertake fatigue management breaks.

PART 2 - PENALTIES

A person to whom the direction applies commits an offence if the person fails, without reasonable excuse, to comply with the direction.

Section 362D of the *Public Health Act 2005* provides:

Failure to comply with public health directions

A person to whom a public health direction applies must comply with the direction unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

Dr Jeannette Young
Chief Health Officer

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