

Home Confinement, Movement and Gathering Direction (No. 4)

Summary

Effective from: 8 May 2020

Posted: 8 May 2020

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 and may be further extended.

Further to this declaration, I, Dr Jeannette Young, Chief Health Officer, reasonably believe it is necessary to give the following direction 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 Home Confinement, Movement and Gathering Direction (No. 3) given on 1 May 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with other Public Health Directions issued under section 362B of the *Public Health Act 2005* that have not expired or been revoked.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 Home Confinement, Movement and Gathering Direction (No. 4).

Revocation

4. The Home Confinement, Movement and Gathering Public Health Direction (No. 3) given on 1 May 2020 is revoked effective from the time of publication of this direction.

5. This Direction applies from the time of publication until the end of the declared public health emergency, unless it is revoked or replaced, except for the purposes in paragraph 6(ka) and paragraph 9(b) which commence at the times stated in those paragraphs.

Home Confinement requirements in Queensland

6. A person who resides in Queensland must not leave their **principal place of residence** except for, and only to the extent reasonably necessary to accomplish, the following permitted purposes:
 - a. to obtain food or other **essential goods or services**;
 - b. to obtain medical treatment or other health care services;
 - c. to engage in physical exercise;
 - d. for **recreation** within a 50km radius of the person's principal place of residence;
 - e. to perform work or volunteering, or carry out or conduct an **essential business, activity or undertaking**, and the work, business activity or undertaking to be performed is of a nature that cannot reasonably be performed from the person's principal place of residence;
 - f. to visit another person's **residence** in accordance with paragraph 9;
 - g. to visit a terminally ill relative or to attend a funeral or wedding, subject to any applicable restrictions under other relevant Public Health Directions;
 - h. to provide assistance, care or support to an immediate family member;
 - i. to attend any court or tribunal of Australia or to comply with or give effect to orders of the court or tribunal of Australia;
 - j. to attend a childcare facility;
 - k. to attend a school, university, or other educational institution, to the extent instruction cannot reasonably be obtained in the person's principal place of residence, but subject to paragraph (ka);
 1. ka. from 12.01 am on Monday 11 May 2020 to attend community kindergarten, Prep, Year 1, Year 11 or Year 12 of schooling;
 - l. to assist with or participate in an investigation or other action by a law enforcement authority, whether voluntarily or not;
 - m. for children under 18 years who do not live in the same **household** as their biological parents or siblings or one of their parents or siblings, continuing existing arrangements for access to, and contact between, parents and children and siblings, but not allowing access or contact with vulnerable groups or persons;

Example of a vulnerable group or person – a person over 70 years or a person with a medical condition that makes them vulnerable to COVID-19

- n. avoiding injury or illness or to escape a risk of harm;

Example – escaping a risk of harm related to domestic and family violence; or accessing support from a domestic and family violence support service

- o. to comply with or give effect to the exercise of a power or function of a government agency or entity under a law.

Outdoor gatherings of up to 2 persons or with members of household

7. Subject to paragraph 8, a person who leaves their principal place of residence for a permitted purpose under paragraph 6 may be accompanied by members of their household or, alternatively, by no more than one person who is not a member of their household.
8. If a person requires physical assistance to leave their principal place of residence or it is reasonably necessary for the safety of the person or the public, and there is no other reasonable way for a purpose under paragraph 6 to be achieved, a person may be accompanied by more than one person who is not a member of their household and who is a carer or support worker for that person.

Example – a person with a disability may be accompanied by more than one carer or support worker.

Receiving visitors at a residence

9. Subject to paragraphs 10 to 12, a person who is an owner, **resident, tenant**, occupier, temporary occupier or person in control of a residence may allow:
 - a. up to two visitors who are not ordinarily members of the person's household; or
 - b. from 12.01 am on Sunday 10 May 2020, up to five visitors from one household who are not ordinarily members of the person's household.
10. Paragraph 9 does not prevent workers or volunteers entering a place of residence and they are not counted as visitors for the purpose of paragraph 9.
11. Paragraph 9 does not apply to a **residential aged care facility, corrective services facility, detention centre** or an **approved family day care service** or **stand-alone care service**. Paragraph 9 does not apply to a family day care service or stand-alone care service only for the purposes of conducting a business.

Note – The Aged Care Direction (No. 2) given on 17 April 2020 and the Corrective Services Facility Direction given on 22 March 2020 restrict visitors to those facilities. Other Public Health Directions may be made applying to other types of facilities.

12. Paragraph 9 does not apply to a residence of a person with disability if it is necessary for more than two people to attend the residence to provide services to the person with disability to meet their support needs.
13. An owner, resident, tenant, occupier, temporary occupier or person in control of **premises**, including a residence, must take reasonable steps to encourage occupants of, and visitors to, the premises to practise social distancing to the extent reasonably practicable.

Gatherings in non-residences

14. A person who owns, controls or operates premises, other than a residence, must not organise or allow a **gathering** to occur on the premises.

Exemptions

15. The Queensland Chief Health Officer may grant an exemption to part or all of these directions on compassionate grounds or for other exceptional circumstances.

Social Distancing

16. A person who is leaving their principal place of residence must practice social distancing while outside their principal place of residence, to the extent reasonably practicable.

Self-quarantine and self-isolation

17. A person who is required to self-quarantine or self-isolate under another Public Health Direction or a direction of an emergency officer under the *Public Health Act 2005*, must comply with the terms of the direction to self-quarantine or self-isolate and may not leave the premises in which they are self-quarantining or self-isolating unless permitted under the terms of those orders or directions.

Designated Areas

18. Nothing in this direction authorises a person to enter a designated area under the Restricted Access to Designated Areas Direction, or its successor, unless the person is an exempt person as defined under that direction.

Definitions

For the purposes of this Public Health Direction:

19. **Approved family day care service** has the same meaning as in the *Education and Care Services National Law (Queensland)* and **stand-alone care service** has the same meaning as 'stand-alone service' under the *Education and Care Services Act 2013*.
20. **Corrective services facility** has the same meaning as in the *Corrective Services Act 2006*.
21. **Detention centre** has the same meaning as in the *Youth Justice Act 1992*.
22. **Essential business, activity or undertaking** means a business, activity or undertaking that is not prohibited by the *Non-Essential Business, Activity and Undertaking Closure Direction (No. 8)*, or its successor, or another Public Health Direction.
23. **Essential goods or services** means good or services obtained from an **essential business, activity or undertaking**.
24. **Gathering**, subject to paragraph 25, means:
 - a. a gathering of more than two persons in a single undivided **outdoor space** at the same time; or
 - b. a gathering of more than two persons in a single undivided **indoor space** at the same time.
25. **Gathering** does not include a gathering:
 - a. at an airport that is necessary for the normal business of the airport;
 - b. for the purposes of or related to public transportation, including in vehicles or at public transportation facilities such as stations, platforms and stops;
 - c. at a medical or health service facility that is necessary for the normal business of the facilities;
 - d. for the purposes of emergency services;
 - e. at a **residential aged care facility** or residence of a person with a disability, that is necessary for the normal business of the facility or residence;
 - f. at a prison, **corrective services facility, detention centre** or other place of custody;
 - g. at a court or tribunal;
 - h. at Parliament for the purpose of its normal operations;
 - i. at a business, facility or service providing essential goods or services that is necessary for the normal business or operation of the business, facility or service to the extent permitted under the *Non-Essential Business, Activity and Undertaking Closure Direction (No. 8)*, or its successor, or another Public Health Direction;

Example – wedding, funeral, accommodation facilities, retail store, shopping centre

- j. at a workplace, including but not limited to an office building, factory, manufacturing facility, resource extraction, mine or mineral processing facility, utilities or construction sites that is necessary for the normal operation of those premises;
- k. at a school, university, educational institution or childcare facility, including a family day care service or **stand-alone care service**, that is necessary for the normal business of the facility;
- l. at an outdoor place where persons may be present for the purposes of transiting through the place;

Example – Queen Street Mall

- m. at an indoor place where persons may be present for the purposes of transiting through the place;

Example – Central Station

- n. specified as exempt from this direction by the Chief Health Officer in writing.
26. **Household** means persons who ordinarily live at the same residence, including if family or kinship customs or cultural obligations have the effect of a person living across multiple residences.
27. **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 them are:
- a. permanent or temporary; or
 - b. open or closed.
28. **Outdoor space** means a space that is not an indoor space.
29. **Premises** has the same meaning as in Schedule 2 of the *Public Health Act 2005*, and also includes land and vessels.
30. **Principal place of residence** means:
- a. for a person who permanently resides in Queensland, the residence where the person ordinarily resides.
 - b. for a person who temporarily resides in Queensland, the residence where the person ordinarily resides when the person is present in Queensland.
31. **Recreation** means an activity engaged in for pleasure or for mental health benefits, including:
- a. motorcycle riding, jet skiing, boating and other forms of personalised transport;
 - b. driving a motor vehicle, including for a learner driver to accumulate driving hours to comply with logbook requirements for the learner driver's practical driving test, but the learner driver may only be supervised by a member of the learner driver's household;
 - c. shopping at a place permitted to remain open under the *Non-Essential Business, Activity and Undertaking Closure Direction (No. 8)* or its successor; and
 - d. having a picnic in a park or public space that remains open under the *Non-Essential Business, Activity and Undertaking Closure Direction (No. 8)* or its successor.
32. **Residence** means **premises** used, or intended to be used, as a dwelling or mainly as a dwelling, and includes the land on which the residence is situated, and includes:
- a. a single detached dwelling;
 - b. each of one or more attached dwellings that are separated by a common wall;

Examples for paragraph (b) — villa unit, townhouse, terrace house, row house, unit in an apartment block.

- c. a manufactured home as defined in section 10 of the *Manufactured Homes (Residential Parks) Act 2003*;
- d. a caravan as defined in section 7 of the *Residential Tenancies and Rooming Accommodation Act 2008*;
- e. any other building or structure situated on the same land as the **premises** or dwelling.

*Examples for paragraph (e) – shed, pool house, carport, granny flat. But does not include a **corrective services facility** or **detention centre**.*

- 33. **Residence** does not include a **residential aged care facility, corrective services facility or detention centre**.
- 34. **Residential aged care facility** means a facility 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.
- 35. **Resident** has the meaning given in section 14 of the *Residential Tenancies and Rooming Accommodation Act 2008*.
- 36. **Social distancing** includes remaining at least 1.5 metres away from other persons, regular washing of hands and avoiding handshaking.
- 37. **Tenant** has the meaning given in section 13 of the *Residential Tenancies and Rooming Accommodation Act 2008*.

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

8 May 2020