

# Non-essential Business Closure Direction

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

### Non-essential business, activity and undertaking Closure Direction

*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* 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 Closure Direction made on 23 March 2020.
2. This Public Health Direction should be read in conjunction with, and in addition to, the Public Health Direction titled Mass Gatherings Direction (No 2) made on 21 March 2020. All business or undertakings that continue to operate must comply with the Mass Gatherings Directions (No 2).

#### *Citation*

3. This Public Health Direction may be referred to as the Non-essential business, activity and undertaking Closure Direction.

#### *Revocation*

4. The Non-essential Business Closure Direction made on 23 March 2020 is revoked at 11.59pm on Wednesday, 25 March 2020.

#### *PART 1 — DIRECTION - NON-ESSENTIAL BUSINESS, ACTIVITY, OR UNDERTAKING*

5. These directions apply from 11.59pm on Wednesday, 25 March 2020 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 7.

### Definitions

For the purposes of this Public Health Direction:

7. A **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:

#### Column 1

#### Business, activity, undertaking, premises or place

##### *Food and drink*

Cafes, restaurants, fast-food outlets, food courts (together **retail food services**)

##### *Retail*

Auction houses

Real estate auctions and open house inspections

Outdoor and indoor markets

*Beauty and personal care services*

#### Column 2 Exceptions

- Takeaway service and home delivery can remain operational. All takeaway services must comply with the conditions provided in paragraph 8 below.
- 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.
- 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 or aged care facility that is reasonably necessary for the normal business of the facility, with social distancing observed.
- Services providing food or drink to the homeless, with social distancing observed.
- Hotel room service or similar services for hotel guests.

Private appointments for inspection

Food markets and farmers markets may continue to operate

<b>Column 1</b> <b>Business, activity, undertaking, premises or place</b>	<b>Column 2</b> <b>Exceptions</b>
Hairdressers and barber shops	Up to 30 minute appointments with no more than one person per 4 square metres
Beauty therapy, tanning, waxing and nail salons, and tattoo parlours	
Spas and massage parlours	
<i>Entertainment venues</i>	
Registered and licensed clubs, licensed premises in hotels	Bottle shops and off license premises attached to venues may continue to operate, with social distancing observed.
	Golf clubs may continue to operate for outdoor sporting-based activities, with social distancing observed.
Cinemas, nightclubs	
Casinos, gaming or gambling venues	
Strip clubs, brothels and sex on premises venues	
Concert venues, theatres, arenas, auditoriums, stadiums	Live streaming of a performance by a small group 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	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.
Boot camps, personal training	Limited to groups of no more than 10 people for outdoor events with social distancing observed.
Indoor sporting centres, including gyms, health clubs, fitness centres, yoga, barre and spin facilities, saunas, bathhouses and wellness centres	
Social sporting-based activities	Limited to groups of no more than 10 people for outdoor events, with social distancing observed.
Swimming pools	A swimming pool located in a private dwelling for the use of the occupants of the dwelling.
<i>Residential facilities</i>	
Hostels, bed and breakfasts, and boarding houses	May continue to operate for residents and workers.
<i>Outdoor recreation</i>	
Caravan and camping parks	Where people live permanently in caravan parks or are staying in caravan parks as interim abodes where their

**Column 1****Business, activity, undertaking, premises or place****Column 2****Exceptions**

Campgrounds

Zoos and wildlife centres

*Non-residential institutions*

Galleries, museums, national and state institutions and historic sites

Libraries, community centres, and youth centres

Local government non-essential facilities and services (such as libraries and pools)

Community facilities (such as community halls, clubs, RSLs, PCYCs)

Places of worship, weddings and funerals

primary residence is not available, they may continue to do so, with social distancing observed.

For the purpose of maintenance and care for the animals.

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.

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Weddings with a maximum attendance of no more than 5 people being the celebrant, couple and two witnesses with no more than one person per 4 square metres.

Funerals attended by a maximum of no more than 10 people with no more than one person per 4 square metres.

8. 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.*

## 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.