

First Nations Guide to COVID-19 Law - Tasmania

2 November 2020



Governments have introduced wide-ranging temporary measures to help prevent the spread of coronavirus (COVID-19) and keep communities safe. The Police have powers to enforce these public health directions.

This may change your daily life and what communities can do together.

This information sheet explains the public health directions in Tasmania and the powers of the police.

Directions and police powers are changing regularly and so it is important to check for any updates.

The Tasmanian Government has implemented a three-stage plan to lift restrictions.

A. Public health laws - Physical distancing and travel within communities

What am I able to do?

Tasmania has moved to Stage 3 of their roadmap to easing restrictions. Most restrictions have eased and you are able to use and visit businesses or services as long as physical distancing is followed.

However, businesses and services will be limited to a particular number of people that can attend at once depending on their size and what COVID safety mechanisms they have in place. You will still need to keep physical distancing.

You are now able to do most things as usual, as long as you comply with physical distancing and do not exceed the maximum number of people allowed in a space.

Below is a list of restrictions that are still in place:

- Gatherings in households remain limited to 20 visitors. Maximum density is 1 person per 2 square metres.
- Going to restaurants and cafes for a sit-down meal:
 - Maximum number is 250 for indoor venues and 1,000 for outdoor venues. Exceptions apply (below).
 - If a venue is licensed (meaning they can serve alcohol) you must be seated whilst drinking alcohol.
 - If you are not drinking alcohol you can otherwise move around freely and partake in “standing activities” like darts, pool and karaoke.

- Dancing in a venue is generally not allowed unless it is:
 - Pre-arranged;
 - Held in a separate room to where food and alcohol is consumed; and
 - Contact information is recorded.
- Dancing is permitted if:
 - There is a wedding, or wedding reception, and only the following people are in the ‘dancing area’:
 - the wedding couple;
 - their parents or guardians; and
 - the other members of the bridal party.
 - The dancing area is solely used for dancing by people employed, or engaged, of the premises to dance at the premises;
 - All or part of the premises is being used for an end of year function organisation by a school, and the area for dancing is solely used by students and teachers of that school and there is no alcohol consumer or provided as part of the function.
- Exercising:
 - Park exercise equipment, park playgrounds, pools and bootcamps are open, for up to 1,000 people in outdoor undivided spaces.
 - Indoor premises, used for community sport, exercise and recreation (including indoor pools) are open for up to 250 people.
 - Full contact training, competition sport, and shared sporting facilities (such as change rooms) is permitted.
- Going to work, school or study, if you can’t do this from home.

What do I have to do if outside of the home?

If you are outside home, you should:

- Practice physical distancing; this means that you should stay 1.5 metres away from other people where possible;
- Practice good hand hygiene by washing your hands frequently with soap;
- Practice good respiratory hygiene by sneezing or coughing into your elbow or tissues and cleaning your hands after coughing or sneezing; and
- Clean and disinfect your environment.

Vulnerable people are encouraged to stay at home to protect their health or to take extra precautions when out and about. Vulnerable people are allowed to do the same things as everyone else, but it is recommended that they take extra care to avoid unwell visitors or unwell children or those who may not understand physical distancing. Vulnerable people are considered to be:

- Aboriginal and Torres Strait Islander people 50 years and older with one or more chronic medical conditions;
- People 65 years and older with chronic medical conditions;
- All people 70 years and older;
- People with compromised immune systems;
- People with a disability, if you have received medical advice to take extra care during COVID-19.

How many people can gather together?

You can now have 20 visitors to your household at any one time. Physical distancing should still be followed; each person must have 2 square metres to themselves or stay 1.5 metres away from another person.

Otherwise you can gather in outdoor spaces in groups of up to 1,000 and indoor spaces in groups of up to 250 (depending on the size of the venue and whether physical distancing is possible).

What about family in other houses, can we visit each other?

A 'household' includes those who live permanently in the same home.

You can have up to 20 visitors in your household at any one time.

However, even as the restrictions around visiting and interacting with other people change, you should still try to stay 1.5 meters away from each other where possible.

What if I am homeless?

If you are required to self-isolate and you are experiencing homelessness or staying in overcrowded housing, you may be deemed in need of emergency accommodation.

You can seek assistance for emergency accommodation and assistance grants by contacting the Public Hotline on 1800 671 738 or Housing Connect on 1800 800 588.

What if I don't feel safe in my home?

Government directions do not stop you from leaving your home if you are unsafe. If you don't feel safe in your home, you may be eligible for a rehousing program, flexible support packages or other support.

A variety of community services are still open and may be able to offer you support over the phone, by email or by video call.

When do I have to self-isolate or quarantine?

Quarantine means staying away from people if you may have been exposed to COVID-19 but have not tested positive. This may mean that you are in quarantine for a period of time to make sure you do not develop COVID-19.

If you have spent time in a 'high-risk area' in the 14 days prior to arrival in Tasmania, then you must not travel to Tasmania.

You also must not enter Tasmania if in the last 28 days you have:

- arrived in Australia from overseas (except for New Zealand); or
- if you have disembarked from a cruise ship.

You may be exempt from this rule if you:

- work in national and state security and governance;
- are a clinician in relation to health who is usually a Tasmanian resident, or have been requested to come to Tasmania by the Department of Health;
- work in transport or freight and logistics;
- are a specialist who has skills critical to maintain key industries or business;
- are responsible for aeromedical delivery, transport, or retrieval of patients, organs or tissues into, or out of Tasmania;
- are a member of the Tasmania Police Service returning from travel in the course of their duties or members of the Australia Federal Police or another police force or service of another State or Territory of Australia travelling to Tasmania in the course of their duties;
- have been approved to travel to Tasmania by the Deputy State Controller.

If you have been told to quarantine, you **must** stay at your home or government-arranged accommodation at all times. The **only** reasons you can leave your home or

accommodation is to receive medical care or for essential tasks.

If you, or someone in your house, is in quarantine then you cannot have any visitors. Only people that permanently live in your home should be in your home.

Self-isolation is required where you have tested positive for COVID-19 and must stay home to prevent the possible spread to other people, until directed otherwise. This means that you:

- must not leave your home unless in an emergency;
- must not go to public places;
- must not let visitors into your home.

You must self-isolate for 14 days if you have arrived in Tasmania from a 'medium risk area.'

Can I use my car?

- You can use your car. You don't have to physically distance whilst in the car, which means that you don't have to be 1.5 metres away from the other person in the car.
- You can still receive or give driving lessons.

Can I care for Elders?

You **can** give care and social support to Elders in their home. If you do, you should try to stay 1.5 metres away from the other person where possible.

Previously, visits to residential aged care facilities were not allowed except for very limited reasons (providing end-of-life support or essential care to someone with a medical condition). Visits are still subject to restrictions, to protect the elderly from high-risk transmission of COVID-19.

A person in an aged care facility can receive **visits** of up to **two people** at a time.

People should not visit any residential aged care facility if they:

- have been in a medium risk area in the past 14 days;
- have clinical symptoms of COVID-19;
- have had contact within the past 14 days with a person diagnosed with COVID-19 or reasonably suspected of having COVID-19;
- have not had a valid influenza vaccination.

Additional visits, and exemptions to the above restrictions, may be permitted for the purpose of end of life support or if requested by the facility to provide essential support to a resident to reduce distress or confusion as a result of a medical condition.

Can we still get together outside for community events?

Gatherings limits are now determined by the density of the area. There can be a maximum of 250 people for an undivided space in an indoor venue or 1,000 people in an undivided outdoor space.

There should be 1 person per 2 square metres. Venues must comply with this rule and a smaller venue cannot fit the maximum number of people in the space if physical distancing cannot be followed.

What about sorry business and funerals?

Funerals and sorry business are subject to the same restrictions as indoor/outdoor venues.

Other ceremonies are subject to the same restrictions as indoor/outdoor venues. You should still practice physical distancing and try and keep 1.5 metres away from one another.

Can I travel interstate for work or recreation?

You cannot travel to Tasmania from a 'high risk' area (although there are some exemptions that are listed above).

Visitors from 'medium risk' areas, including interstate can travel to Tasmania, but must comply with all border checks and restrictions upon entry. This includes providing documentation, being placed in isolation until cleared, or being required to quarantine for 14 days.

Exceptions apply for residents of Tasmania who are returning to Tasmania from interstate. Generally, all returning residents must undergo 14 days of self-isolate and comply with directions from authorised officers.

Areas within Tasmania are unrestricted, but you should avoid travelling if you feel unwell.

What if I can't pay my rent?

If you have lost your job, or you are making less money because of COVID-19, you should speak with your landlord as soon as possible about options. You may be eligible for rental assistance or be protected from eviction.

You can still be evicted for other reasons, like damaging your property. Landlords are not allowed to increase rent until at least 30 September 2020.

If you get an eviction notice, you should call the Tasmanian Aboriginal Community Legal Service on 1800 064 865.

B. Police enforcement powers

What powers do the police have?

Despite the State of Emergency coming to an end on 26 October, there is still a Public Health Emergency in place meaning the police still have enforcement powers to ensure compliance with any public health directions.

It is an offence not to comply with the directions made by the Tasmanian Government. If you are in breach of a

public health direction, the police may issue you with an infringement notice or may give you a summons.

If the police issue you with an infringement notice, you must pay that fine within 28 days unless you decide to contest the fine in the Magistrates' Court. If you receive an infringement notice and don't do anything about it, you will receive an enforcement order which will add \$84 on top of the fine, and the offence will be included on your criminal record.

If you are given a summons, this means that you will need to go to Magistrates' Court at a later date to have your matter dealt with. If the Court finds that you were in breach of a public health direction, you may face a maximum penalty of \$16,800 and/or six months in prison.

Despite the relaxation of restrictions, it is still an offence to not comply with the directions.

If you are required to self-isolate

Police will also be performing check-ins with those who must be in quarantine or self-isolation.

If police have reasonable grounds to believe you are not doing the 14-day quarantine, they have the power to arrest you. If you do not comply with a quarantine direction, you could face a fine for up to \$16,800 or up to six months in jail.

What do I need to do if the Police speak with me?

A police officer can require you to give your name, address and other information they need if they think you may have breached an order, or you are the person in charge of the place where the breach happened.

You can film your interaction with police in a public place if you are concerned about your rights.

Can I appeal a summons or seek a reduction or waiver if I can't afford to pay?

Yes, if you don't think you should have received the summons or are unable to pay, there are several options:

- If you don't think you should have received the summons, you can explain your reasons when the matter is heard in the Magistrates' Court. You should seek legal advice first. Information about free legal services is contained in Part E, below.
- If the Court gives you a fine that you cannot afford to pay, you can:
 - ask the Court to reduce or waive the fine
 - contact the Monetary Penalties Enforcement Service (tel: 1300 366 766) and ask to either:
 - pay the fine in instalments; or
 - apply for a Monetary Penalty Community Service Order, where you work under supervision to pay off the fine.

C. Restrictions on movement into Aboriginal communities

These restrictions do not apply in Tasmania. Refer to general restrictions on gatherings in Part A.

D. Businesses

All businesses and workplaces are now permitted to operate. All businesses that operate must comply with the minimum COVID-19 safety standards and record this in a COVID-19 safety plan. Business operators that do not comply may face fines and penalties, including imprisonment.

Businesses that operate are required to develop a COVID-19 Safety Work Plan to implement measures which will manage the risks of transmission of COVID-19 at their workplace. All businesses that have reopened will need to be able to demonstrate compliance with the 'Minimum Standards' developed by the government.

These standards require businesses to ensure that:

- all people at the business must stay 1.5 metres apart where possible;
- the premises and all supplies and equipment must be regularly cleaned and disinfected;
- people at the business (including staff) must observe appropriate hygiene measures (such as hand washing); and
- staff must be given information, training and supervision to comply with hygiene measures.

There are limits on the number of people who may be present at a business. Only one person is permitted per 2 square metres, up to a maximum of 250 people for an indoor space or 1,000 people outdoors. All people count towards this number, including business owners, employees, volunteers, children and babies.

The business must also ensure that people on the premises are sufficiently separate from people who are entering or exiting, or waiting to enter, the premises.

A limited number of businesses are exempt from this rule, including medical facilities, educational institutions, childcare facilities, and services that support disadvantaged people.

Some specific rules apply to certain types of businesses, including:

- licensed premises that serve alcohol for consumption on premises (such as

restaurants, cafes, bars, hotels or pubs) must only serve people who are sitting down;

- standing activities like darts, pool, and karaoke (except dancing) are now permitted in licensed venues. However, patrons cannot be served alcohol whilst standing;
- dancing is still not permitted at venues where food and alcohol is consumed. This restriction will likely be in place until at least the end of 2020. Dancing is only permitted when it is pre-arranged, held in a separate room to where food and alcohol is consumed and contact information is recorded (for example, a dance class in a community hall).
- indoor sport, recreation and exercise facilities must ensure that they operate in accordance with the *Framework for Rebooting Sport in a COVID-19 Environment*.

E. Who to call for help or information

For up-to-date information, visit the Tasmanian Government [COVID-19 website](https://www.coronavirus.tas.gov.au/): <https://www.coronavirus.tas.gov.au/>. The website provides the latest data on cases and testing, advice on keeping yourself safe, and information on business restrictions.

You can also speak to someone for more information by calling **the Public Health Hotline: 1800 671 738**.

The Tasmanian Aboriginal Centre has also prepared [video resources](https://tacinc.com.au/stay-safe-at-home-with-palawa-kani/) in palawass kani language about steps you can take to stay safe during the COVID-19 pandemic: <https://tacinc.com.au/stay-safe-at-home-with-palawa-kani/>

If you need to talk to someone about fines?

- Legal Aid Commission of Tasmania: call 1300 366 611

Updated 2 November 2020

This guidance sheet is not a substitute for legal advice. You should contact a lawyer for specific legal advice or referral.