



Queensland Health

[Home](#) > [Health system and governance](#) > [Legislation & bills](#) >
[Chief Health Officer public health directions](#) > [Revoked and superseded public health directions](#) >
Revoked - Restrictions for Queensland (No. 2)

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This Direction was revoked¹ on 15 April 2021, and is no longer in effect.

Summary

Effective from: 12.00pm AEST 1 April 2021 to 15 April 2021

Posted: 1 April 2021

Revoked on: 15 April 2021

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 29 June 2021 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 *Restrictions for Queensland Direction* made on 29 March 2021 and is the successor of that Direction.
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with other Public Health Directions issued under section 362B of the Public Health Act 2005 that have not expired or been revoked.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 *Restrictions for Queensland Direction (No. 2)*.

Revocation

4. The *Restrictions for Queensland Direction* made on 29 March 2021 is revoked from midday on 1 April 2021.

Commencement and application

5. This Direction applies from midday on 1 April 2021 until the end of the declared public health emergency, unless it is revoked or replaced.
6. To the extent of any inconsistency between this Direction and another public health direction made under section 362B of the *Public Health Act 2005*, this Direction prevails.

PART 1 – GATHERING IN QUEENSLAND

Receiving visitors at a residence

7. A person who is an owner, resident, tenant, occupier, temporary occupier or person in control of a **residence** in Queensland may allow up to 30 people to gather at a residence, inclusive of the members of a person's household.

Note – The visitors can be from different households.

Gatherings of up to 30 persons in non-residences

8. A person who owns, controls or operates premises, other than a residence, in Queensland must not organise or allow a **gathering** of more than 30 people to occur on the premises.

Outdoor gatherings of up to 500 persons

9. A maximum of 500 people can gather publicly in an **outdoor space** in Queensland.

Example – friends having a celebration in a park.

PART 2 – RESTRICTED BUSINESSES, ACTIVITIES AND UNDERTAKINGS IN QUEENSLAND

10. For the purposes of this Direction, a **restricted business, activity or undertaking** is a business, activity or undertaking in Queensland specified in column 1 of Schedule 2.

Note – For the purposes of this Direction, a restricted business, activity or undertaking includes businesses listed in Schedule 2 of this Direction and Schedule 1 of the Restrictions on Businesses, Activities and Undertakings Direction (No. 16), or its successors.

11. A person who owns, controls or operates a **restricted business, activity or undertaking** in Queensland, including operating at a private residence, or in a public space, must operate the business, activity or undertaking in accordance with:
 - a. the requirements in *Restrictions on Businesses, Activities and Undertakings Direction (No. 16)*, or its successors; and

Example – requirement to collect contact information and operate in accordance with the COVID Safe Framework.
 - b. any additional requirements in this Direction, including:
 - i. the restrictions listed in column 2 of Schedule 2; and
 - ii. operating for seated patrons indoors where a **restricted business, activity or undertaking** in Queensland serves food or drink; and

Example – bar, restaurant, café, pubs.

Note – people may stand to eat or drink in outdoor areas of beer gardens, cafes or restaurants.

- iii. not operating an area for dancing indoors unless at a wedding, dance studio or dance class.

Note – dancing may occur outdoors regardless of the event or venue. For example, an outdoor music festival, outdoor event.

Note – a venue permitted to have dancing must do so in accordance with the requirements in Restrictions on Businesses, Activities and Undertakings Direction (No. 16), or its successors.

12. To the extent of any inconsistency between this Direction and the *Restrictions on Businesses, Activities and Undertakings Direction (No. 16)*, or its successors, this Direction prevails.

PART 3 – FACE MASKS IN QUEENSLAND

13. This part applies to a person who is in Queensland.

14. A person mentioned in paragraph 13 must:

a. carry a **face mask** at all times when outside their **principal place of residence**; and

b. wear a **face mask** covering the nose and mouth at all times if they:

- i. are on **public transport infrastructure** or at **public transport infrastructure**; or

Example – when on a train or waiting at a train platform.

- ii. are in a **commercial passenger vehicle** or waiting in a designated **outdoor space** that is not a **residence** for a **commercial passenger vehicle**; or

Example – waiting for a taxi at a taxi rank, waiting for a rideshare at a designated pick-up area.

*Note – a driver of a **commercial passenger vehicle** must wear a mask.*

- iii. are in an **indoor space**; or

- iv. are in an **outdoor space** where physical distancing is not possible; or

- v. are entering, exiting or inside a **Major Sports Stadium**, unless the person is seated; or

- vi. have any **symptoms consistent with COVID-19**; or

- vii. are required to do so in accordance with any other Public Health Directions in effect under section 362B of the *Public Health Act 2005*; or

*Example – under the Mandatory Face Masks in Airports and on Aircraft Direction or its successors, a person must wear a **face mask** at all times while on a domestic commercial aircraft flying in Queensland airspace.*

- viii. are directed to do so by an **emergency officer (public health)**.

15. The requirements under paragraph 14 do not apply:

a. to infants and children under the age of 12 years; or

b. to a person in an **indoor space** that is a **residence, temporary accommodation** or a **workplace**, unless the person cannot practise **physical distancing** in the **workplace** or if required by another Public Health Direction in effect under section 362B of the *Public Health Act 2005*; or

Note – the Aged Care Direction (No. 25) or its successors requires staff to wear face masks in certain circumstances.

*Note – see definition of **workplace** – staff at a **retail food service** must wear masks if they interact with patrons.*

c. to a person travelling alone in a private vehicle or with only the members of their **household**;
or

d. to school students onsite at an education **premises** or attending outside school hours care; or
Example – vacation care.

e. to a prisoner in a **corrective services facility**, subject to any policies or requirements of that facility; or

f. to a detainee in a **detention centre**, subject to any policies or requirements of that centre; or

g. to a **resident** of a **residential aged care facility** or a **shared disability accommodation service**, subject to any policies or requirements of a facility or service; or

h. to a person who has a physical or mental health illness or condition, or disability, which makes wearing a **face mask** unsuitable; or

Examples – persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.

i. to a person communicating with those who are deaf or hard of hearing, where the ability to see the mouth is essential for communication; or

j. if the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or

Examples – teaching, lecturing, learning, or live broadcasting.

k. to a person who is a seated patron at a **retail food service**, but not a food court; or

Example – cafes, restaurants, bars and pubs.

l. if the person is consuming food, drink or medicine; or

m. if a person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no **face mask** be worn; or

n. if a person is receiving a service from a business, activity or undertaking which is permitted to operate under and is operating in accordance with, this Direction, to the extent that it is not reasonably practicable to receive that service wearing a **face mask**; or

o. if a person is providing a service from a business, activity or undertaking which is permitted to operate under, and is operating in accordance with, this Direction, to the extent that it is not reasonably practicable to provide that service wearing a **face mask**; or

p. if a person is asked to remove the **face mask** to ascertain identity; or

*Examples – a person may be asked by police, security, or airport staff to remove a **face mask** to ascertain identity or when purchasing alcohol or cigarettes.*

q. to a person engaged in strenuous exercise; or

Example – exercise in or above the aerobic zone including high-intensity interval training, cycling, running.

r. to a person for whom wearing a **face mask** would create any other serious risk to that person's life or health and safety, including if determined through work Occupational Health and Safety guidelines; or

Examples – a person who is swimming in an indoor pool or undertaking work where a mask could become tangled in machinery.

s. to a person being married while in the process of being married; or

Note – attendees at a wedding ceremony , other than the couple, are required to wear masks

t. for emergency purposes; or

Examples – a person escaping a fire or a risk of harm related to domestic and family violence or sexual violence.

u. if required or authorised by law; or

v. if doing so is not safe in all the circumstances.

16. A person who removes their face mask under paragraph 15 must resume wearing the **face mask** as soon as practicable after the circumstance ends.

*Examples – a person must resume wearing a **face mask** as soon as they finish eating, broadcasting or receiving medical care.*

Note: face shields on their own do not meet the face mask requirements. For further information on the use of face masks, please refer to the Queensland Health website as updated from time to time: <https://www.qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19/protect-yourself-others/face-masks²>.

PART 4 – EXEMPTIONS

17. The Chief Health Officer, Deputy Chief Health Officer or their delegate may give a person or class of persons an exemption from a requirement of this Direction if extreme exceptional circumstances exist, except from a requirement under Part 2 (Restricted Businesses, Activities and Undertakings).

18. An exemption may be given on conditions and if so, the person given the exemption must comply with the conditions.

PART 5 – 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 or 6 months imprisonment.

Dr Jeannette Young
Chief Health Officer

1 April 2021

Published on the Queensland Health website at 12:00pm

SCHEDULE 1 – DEFINITIONS

For the purposes of this Public Health Direction:

Commercial passenger vehicle means a taxi, rideshare or commercial shuttle service.

Contact information has the same meaning as in *Restrictions on Businesses, Activities and Undertakings Direction (No. 16)*, or its successors.

Face mask means a surgical mask or a cloth mask with three layers that covers the nose and mouth (but does not include a face shield).

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.

Gathering means a gathering of more than 30 persons in a single undivided indoor space at the same time but 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 or disaster management;
- e. at a residential aged care facility or a shared disability accommodation service, 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. for the purposes of an investigation or action by a law enforcement authority;
- i. for the purposes of complying with or giving effect to the exercise of power or function of a government agency or entity under a law;
- j. for the purposes of national security;
- k. at Parliament for the purpose of its normal operations;
- l. at a business, facility or service operating in accordance with, or not restricted under, the *Restrictions on Businesses, Activities or Undertakings Direction (No. 16)*, or its successor, or another Public Health Direction;

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

- m. 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;
- n. at a school, university, educational institution or childcare facility, that is necessary for the normal business of the facility;
- o. at an outdoor place where persons may be present for the purposes of transiting through the place;
Example – Queen Street Mall
- p. at an indoor place where persons may be present for the purposes of transiting through the place;
Example – Central Station
- q. specified as exempt from this direction by the Chief Health Officer in writing.

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.

Major Sports Stadiums include facilities managed by Stadiums Queensland (for example: The Gabba, Queensland Country Bank Stadium, Queensland Tennis Centre).

Occupant density has the same meaning as in *Restrictions on Businesses, Activities and Undertakings Direction (No. 16)*, or its successors.

Outdoor space means a space that is not an indoor space.

Physical distancing includes remaining at least 1.5 metres away from other persons where possible.

Premises has the same meaning as in Schedule 2 of the *Public Health Act 2005*, and also includes land and vessels.

Public transport infrastructure has the same meaning as in the *Transport Operations (Passenger Transport) Act 1994*.

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.

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.

Residence does not include a residential aged care facility, corrective services facility or detention centre.

Resident has the meaning given in section 14 of the *Residential Tenancies and Rooming Accommodation Act 2008*.

Restricted business, activity or undertaking is defined in paragraph 10.

Retail food service means a retail business which provides food and/or drink, whether pre-prepared or prepared on site. This includes, but is not limited to cafes, restaurants and fast-food outlets.

Workplace means a place where a person is undertaking work on a paid or voluntary basis but does not include a **commercial passenger vehicle** or a **retail food service** to the extent that staff interact with patrons.

Example – kitchen staff at a café who do not interact with patrons do not need to wear a mask, however wait staff must wear a mask.

Schedule 2

Note – A person who owns, controls or operates a business, activity or undertaking in Queensland must comply with the requirements in Restrictions on Businesses, Activities and Undertakings Direction (No. 16) or its successors, and any additional restrictions in this Direction.

Column 1 Business, activity, undertaking, premises or place	Column 2 Restrictions and Allowances
Food and drink	

Column 1 Business, activity, undertaking, premises or place	Column 2 Restrictions and Allowances
Retail food services (including cafes, restaurants, fast-food outlets)	<ul style="list-style-type: none"> • Must collect contact information electronically for dine-in patrons. • Must operate for seated patrons only indoors. • May also operate for takeaway service and home delivery. • Dancing is not allowed indoors.
Food courts	<ul style="list-style-type: none"> • Must operate in compliance with a COVID Safe Checklist. • May also operate for takeaway service and home delivery. • The requirement to collect contact information does not apply.
Entertainment venues Pubs, licensed clubs, RSL clubs, function centres, bars, wineries, distilleries and microbreweries, and licensed premises in hotels	<ul style="list-style-type: none"> • Must collect contact information electronically for dine-in patrons. • Must operate for seated patrons only indoors. • May also operate for takeaway service and home delivery. • Bottle shops and off license premises attached to venues may continue to operate. • Dancing is not allowed indoors.
High risk businesses, activities and undertakings Nightclubs	<ul style="list-style-type: none"> • Must collect contact information electronically for dine-in patrons. • Must operate for seated patrons only indoors. • Dancing is not allowed indoors.
Adult entertainment venues (strip clubs), brothels, sex on premises venues and sole operator sex workers	<ul style="list-style-type: none"> • Must operate in compliance with an Approved Plan. • Adult entertainment must operate for seated patrons only indoors. • Dancing is not allowed indoors.

Links

1. <https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/revoked/revocation-of-restrictions-for-queensland-no.-2>
2. <https://www.qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19/protect-yourself-others/face-masks>

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