

First Nations Guide to Covid-19 Law - Tasmania

15 May 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.

Some restrictions have been eased, beginning from Monday 11 May 2020.

The Tasmanian Government has indicated that further restrictions will be lifted on Monday 18 May, when 'Stage One' begins. Restrictions are expected to be reduced further from June.

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

When can I leave the house?

You **must** stay at home (being the place where you usually live) unless you are:

- Shopping for essentials (like food, household supplies, medical supplies, urgent repair items);
- Getting urgent services (for example, getting your car serviced);
- Getting medical care;
- Giving care or assistance to another person;
- Moving children between a shared parenting arrangement;
- Going to work, school or study, if you can't do this from home;
- Taking a pet to a vet clinic;
- Doing essential maintenance on a building that you own;
- Going to a wedding or funeral; or
- Exercising:
 - From 11 May, national parks and reserves will be open for exercise but you must only visit parks within 30 kilometres of where you live.
 - From 18 May, park exercise equipment, park playgrounds, pools and bootcamps will also be open for up to 10 people.

These are reasonable excuses for leaving your home. When doing so, you should take the most direct route and return home.

From 18 May, the movement restrictions will be reduced. a number of additional reasons you can leave your home. These are expected to include:

- Going to restaurants and cafes for a sit-down meal (subject to social distancing and a limit of 10 people per venue); and
- Visiting friends or family (subject to a limit of five visitors to any household).

It is expected that these restrictions will be reduced further from June, so that more activities will be permitted outside the home.

What do I have to do if outside of the home with a reasonable excuse?

If you are outside home, you must follow the following rules:

- You can only gather with one other person who does not live in your household. This is the 'two person rule'.
- You can still gather with the people who live in your house. For example, a family of four can take a walk together.
- While out of your home you should practice social distancing; this means that you should stay 1.5 metres away from other people where possible.

When does the two-person rule not apply?

The two-person rule does **not** apply in certain circumstances including:

- Gathering with people from the same household;
- Weddings (no more than 5 people; from 18 May, 10 people and from 15 June, 20 people);
- Funerals (no more than 20 people; from 18 May, 30 people if held outdoors and from 15 June, 50 people);
- To move to a new house or workplace;
- To help someone move to a new house;
- To provide care or social support to another person;
- Going to a private home inspection (no more than three people);
- To give emergency assistance;
- To meet a legal requirement (such as attending court);

- To catch public transport (however, you should only be catching public transport for one of the valid reasons to be out of the house, listed above).
- At a hospital, correctional facility, disability or aged care facility, courts or tribunals, supermarkets and retail stores, office buildings, schools, hotels and educational facilities

From 18 May, the two-person rule will be gradually lifted in certain circumstances, including:

- A household can have five visitors at a time;
- Restaurants and cafes can have seated table service for up to 10 people and from 15 June up to 20; and
- Community and local government facilities and libraries will be allowed to open and have up to 10 people;

You should still try to stay 1.5 metres away from other people, where possible. It is expected that the restrictions will be eased further from June.

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

A 'household' includes those who live permanently in the same home. You must not visit family or friends in other households for social reasons.

You may visit family in other houses to give compassionate or social support, which can include delivering essential supplies or moving children between shared parenting and care arrangements.

Visits should be as short as possible. For example, if you are dropping off essential supplies to a family member in a different house you should only stay as long as it takes to deliver the supplies.

A household can have two visitors for the purpose of providing social support or care to another person. This means that family or friends living in another house may take care of your children if there are only two additional visitors in their household. From 18 May, five people can visit a house for social reasons and up to 10 people can meet for an outdoor gathering.

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, 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.

You must quarantine for 14 days if you have:

- arrived in Australia from overseas;
- arrived in Tasmania from interstate; or
- been in close contact with a confirmed COVID-19 case.

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

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.

Can I use my car?

You can use your car to do any of the activities that are valid reasons for being out of the house, like driving to the supermarket or to provide care to someone. When using your car, keep in mind:

- Only two people can be in the car together at once, unless everyone in the car lives in the same household. This means you can't share a car with more than one friend or family member that you do not permanently live with;
- You don't have to socially 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).

From Monday 11 May, a person in an aged care facility can receive **one visit per week** to provide care and support. Only **two people** can visit at a time.

From Monday 25 May, a person in an aged care facility can receive **one visit per day** of up to **two people**. From the 13th of July a person in an aged care home will be able to multiple visits a day of up to five people.

The Tasmanian Government has indicated that the restrictions around visiting residential aged care facilities may ease from 11 May 2020; no further detail have been released yet.

Can we still get together outside for community events?

Until 18 May, group gatherings and community events are not allowed. The limit for gatherings is two people, unless the two person rule does not apply (as outlined above), for example, you are gathering with people that you permanently live with.

From 18 May outdoor gatherings can take place with up to 10 people. It is expected that this number will be increased from June.

What about sorry business and funerals?

Funerals

There is an exception to the two person rule for funerals. A maximum of 10 people can attend a funeral service, including the person conducting the funeral and any infants.

From 18 May, 30 people may attend a funeral if it is held outdoors. It is expected that this number will be increased from June. Where possible you should still try to stay 1.5 metres away from other people and avoid physical contact. The space needs to be big enough that there is four square metres for every person.

Other ceremonies and sorry business

For other ceremonies and sorry business, the two person rule still applies, unless you are with people who permanently live in your house. You can visit another household to support them during mourning a death. However, they shouldn't have more than two visitors at a time, and you should continue to practice social distancing.

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.

If you fall behind in rent, until 3 July 2020, you can't be evicted if you can't pay rent as you are suffering hardship because of COVID-19.

You can still be evicted for other reasons, like damaging your property. Landlords are not allowed to increase rent at this time.

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?

It is an offence not to comply with the directions made by the Tasmanian Government, including by leaving the house without a reasonable excuse. The police may stop you to ask about your reasons for being out of your house. If you are out of the house without a reasonable excuse or the police suspect you do not have a reasonable excuse, the police may direct you to go home and can 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.

An infringement notice cannot be given to someone under 18 years old.

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 out of the house without a valid reason, you may face a maximum penalty of \$16,800 and/or six months in prison.

Despite the relaxation of restrictions after the 11 May, it is still an offence to not comply with the directions. The Tasmanian government has made clear that police will strictly be enforcing the social distancing directions and will continue to fine anyone for breaching the rules, such as gathering outside in groups of more than 10 people.

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?

If the police question you, you should explain your reason for why you are outside of the house. You must be able to explain that you are taking the most direct route.

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.

If your reason is going to work at an essential business, the police might ask you to show them your work identification.

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 considerations do not apply in Tasmania. Refer to general restrictions on movement in Part A.

D. Businesses

There are restrictions on non-essential businesses across Tasmania, as well as special restrictions that only apply in North West Tasmania.

These non-essential businesses must be closed. Business operators that do not comply may face fines and penalties, including imprisonment.

From 18 May, some business restrictions will be lifted (see further below).

State-wide restrictions

Throughout Tasmania, the following businesses and activities **must close** until further notice. Some of these restrictions will ease from 18 May (see below):

- All places where alcohol is sold for consumption on site (such as pubs, clubs and hotels) other than the part of those premises that are legally allowed to sell takeaway alcohol (such as bottle shops);
- Amusement parks and arcades;
- Auction houses;
- Betting agencies;
- Beauty therapy, tanning, waxing, manicure or other nail treatments, tattoos, ear and body piercing, body modification and other similar services;
- Cafés, restaurants and food courts, except for takeaway or home delivery;

- Cinemas, entertainment venues, casinos, and night clubs;
- Community and recreation centres or facilities, such as halls, clubs and RSLs, unless being used to host essential voluntary or public services, such as food banks or homeless services;
- Concert venues, theatre, arenas, auditoriums, stadiums;
- Escort services, adult entertainment venues;
- Food markets that are 'eat on premises' (e.g. street food markets serving prepared food, however, fresh produce markets can remain open so customers can purchase produce);
- Galleries, museums, national institutions and historic sites;
- Garage sales;
- Gyms (indoor and outdoor), swimming pools, health clubs, indoor sporting venues, social sports competitions, yoga and other fitness studios;
- Hotels, motels, hostels, bed and breakfasts and boarding houses (excluding permanent residents and workers);
- Horse racing and greyhound racing meets and trials (training facilities and services providing care to racing animals);
- Indoor and outdoor play centres, playgrounds and skate parks;
- Libraries, community centres and youth centres;
- Outdoor markets (other than fresh produce or farmers markets);
- Places of worship and religious gatherings;
- Real estate auctions and open house inspections (private inspections are permitted); and
- Saunas, bathhouses, wellness centres, spas and massage parlours.

Special rules apply to some businesses, specifically:

- Mobile food vans cannot operate at markets, but can sell take-away food at other locations subject to a permit requirement. Social distancing and the one person per four square meters rule apply, including inside food vans.
- Outdoor fitness bootcamps are limited to two people (the trainer and participant).
- Hairdressers and barber shops can remain open but must observe the one person per four square meters rule and minimise personal contact as much as possible.

Additional restrictions that were previously in place for businesses in North West Tasmania were lifted on 4 May 2020. Business in North

West Tasmania must continue to comply with the restrictions that apply to the rest of the State.

From 18 May, some of the state-wide business restrictions will also be lifted. In particular:

- Restaurants and cafes in all settings (including restaurants in pubs, clubs, hotels and RSLs) can open and serve up to 10 people at a time. Only seated table service is allowed, and social distancing must be observed.
- Community and local government facilities and libraries will be allowed to open for up to 10 people.

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 palawa 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/>

Updated 15 May 2020

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