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Public Health and Wellbeing Act 2008

EXTENSION OF DECLARATION OF A STATE OF EMERGENCY

(Section 198(7)(c))

On 16 March 2020, under section 198(1) of the **Public Health and Wellbeing Act 2008** (Act), I made a declaration of a state of emergency throughout the State of Victoria arising out of the serious risk to public health in Victoria from Novel Coronavirus 2019 (2019-nCoV) (Declaration).

I extended the Declaration under section 198(7)(c) of the Act on:

- 12 April 2020 (effective midnight on 13 April 2020);
- 11 May 2020 (effective midnight on 11 May 2020); and
- 31 May 2020 (effective at 11:59:00 pm on 31 May 2020).

Now, under section 198(7)(c) of the Act, I, the Hon. Jenny Mikakos, Minister for Health, on the further advice of the Chief Health Officer and after further consultation with the Minister and the Emergency Management Commissioner under the **Emergency Management Act 2013**, extend the Declaration due to the ongoing serious risk to public health throughout Victoria from 2019-nCoV.

This extension takes effect at 11:59:00 pm on 21 June 2020 and remains in force until 11:59:00 pm on 19 July 2020.

Dated 21 June 2020

JENNY MIKAKOS MP
Minister for Health

SPECIAL

Public Health and Wellbeing Act 2008

Section 200

**DIRECTION FROM DEPUTY CHIEF HEALTH OFFICER (COMMUNICABLE DISEASE)
IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM
DECLARED STATE OF EMERGENCY****Diagnosed Persons and Close Contacts Directions (No. 3)**

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), consider it reasonably necessary to protect public health to give the following directions pursuant to section 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

1 Preamble

- (1) The purpose of these directions is to require persons:
 - (a) diagnosed with Novel Coronavirus 2019 (**2019-nCoV**) to self-isolate;
 - (b) who are living with a diagnosed person, or who have been in close contact with a diagnosed person, to self-quarantine;in order to limit the spread of 2019-nCoV.
- (2) These directions replace the **Diagnosed Persons and Close Contacts Directions (No. 2)** given on 31 May 2020, and:
 - (a) require diagnosed persons to notify the **Department** if a person begins residing with them while they are self-isolating;
 - (b) consolidate self-quarantine requirements so that persons residing with a diagnosed person are treated as close contacts;
 - (c) permit a close contact to choose the location at which they are required to self-quarantine;
 - (d) permit an officer of the Department to vary or revoke a notice given to a person of a determination that the person is a close contact, where appropriate on a review of the determination and relevant circumstances;
 - (e) provide continuity for persons required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions (No. 2)** because they reside with a diagnosed person, by providing that the requirements in relation to self-quarantine under those directions continue to apply to them; and
 - (f) permit the Chief Health Officer or Deputy Chief Health Officer to grant exemptions to the requirements of these directions, where appropriate on a review of the relevant circumstances.

2 Citation

These directions may be referred to as the **Diagnosed Persons and Close Contacts Directions (No. 3)**.

3 Commencement and revocation

- (1) These directions commence at 11:59:00 pm on 21 June 2020.
- (2) The **Diagnosed Persons and Close Contacts Directions (No. 2)** are revoked at 11:59:00 pm on 21 June 2020.

4 Self-isolation for diagnosed persons

Who is a diagnosed person?

- (1) A person is a **diagnosed person** if the person:
 - (a) at any time between midnight on 25 March 2020 and 11:59:00 pm on 12 July 2020 has been informed that they have been diagnosed with 2019-nCoV; and
 - (b) has not been given, or is not taken to have been given, **clearance from self-isolation** under clause 5.

Requirement to self-isolate

- (2) A diagnosed person must **self-isolate** under these directions:
- (a) if the diagnosis is communicated to the person on or after the commencement of these directions; or
 - (b) if the diagnosis was communicated to the person before the commencement of these directions.

Note: the requirements of self-isolation are specified in clause 8. A diagnosed person can still leave the premises at which they are self-isolating to obtain medical care.

Location of self-isolation

- (3) A diagnosed person must self-isolate:
- (a) if subclause (2)(a) applies, at the **premises** chosen by the person under subclause (4); or
 - (b) if subclause (2)(b) applies, at the premises at which the person was required to reside under a **Revoked Isolation Direction**.
- (4) For the purposes of subclause (3)(a), the diagnosed person may choose to self-isolate at:
- (a) a premises at which they ordinarily reside; or
 - (b) another premises that is suitable for the person to reside in for the purpose of self-isolation.

Note 1: a person can decide to self-isolate at a hotel or other suitable location, instead of self-isolating at their ordinary place of residence.

Note 2: once a person has chosen the premises at which to self-isolate, the person must reside at that premises for the entirety of the period of self-isolation: see clause 8(2)(a).

- (5) If a diagnosed person who has chosen a premises under subclause (4) is not at the premises at the time when the choice is made, the person must immediately and directly travel to that premises, unless the person is admitted to a **hospital** or other facility for the purposes of receiving medical care.

Self-isolation period

- (6) For the purposes of subclause (2), the period of self-isolation begins:
- (a) if subclause (2)(a) applies, when the diagnosis is communicated to the person; or
 - (b) if subclause (2)(b) applies, upon the commencement of these directions.
- (7) For the purposes of subclause (2), the period of self-isolation ends when the person is given **clearance from self-isolation** under clause 5.

Notifications by the diagnosed person

- (8) Immediately after choosing a premises under subclause (4), the diagnosed person must:
- (a) if any other person is residing at the premises chosen by the diagnosed person, notify the other person that:
 - (i) the diagnosed person has been diagnosed with 2019-nCoV; and
 - (ii) the diagnosed person has chosen to self-isolate at the premises; and
 - (b) notify the Department of:
 - (i) the address of the premises chosen by the diagnosed person; and
 - (ii) the name of any other person who is residing at the premises chosen by the diagnosed person.
- (9) If, during the period that a diagnosed person is self-isolating at a premises for the purposes of clause 4, another person informs the diagnosed person that they intend to commence residing at the premises chosen by the diagnosed person:

- (a) the diagnosed person must inform the other person of their diagnosis; and
- (b) if the other person commences residing at the premises, the diagnosed person must notify the Department that a person has commenced residing with the diagnosed person and of the name of that person.

5 Clearance from self-isolation

- (1) A diagnosed person is given **clearance from self-isolation** if:
 - (a) an officer of the Department makes a determination under subclause (2) in relation to the person; and
 - (b) the person is given notice of the determination in accordance with subclause (3).
- (2) For the purposes of subclause (1)(a), an officer of the Department may make a determination in relation to a person if the officer is satisfied that the person meets the criteria for discharge from self-isolation under existing **Departmental Requirements**.
- (3) For the purposes of subclause (1)(b), the notice must be in writing but is not required to be in a particular form.
- (4) A person who has been given clearance from self-isolation, however expressed, under a Revoked Isolation Direction is taken to have been given clearance from self-isolation under this clause.

6 Self-quarantine for close contacts

Who is a close contact?

- (1) For the purposes of this clause, a person is a **close contact** if:
 - (a) an officer of the Department has made a determination under subclause (2) in relation to the person; and
 - (b) between midnight on 11 May 2020 and 11:59:00 pm on 12 July 2020, the person has been given notice of the determination in accordance with subclause (3).
- (2) For the purposes of subclause (1)(a), an officer of the Department may make a determination in relation to a person if the officer is satisfied, having regard to Departmental Requirements, that the person has had close contact with another person who:
 - (a) since the time of last contact, has become a diagnosed person; or
 - (b) at the time of last contact, was a diagnosed person.

Note: under the Departmental Requirements, a person is generally considered to have had close contact if, in the period extending from 48 hours before onset of symptoms in the diagnosed person:

- *they have had face-to-face contact in any setting with the diagnosed person for more than a total of 15 minutes over the course of a week; or*
- *they have shared a closed space with a diagnosed person for a prolonged period (for example, more than 2 hours).*

- (3) For the purposes of subclause (1)(b), the notice:
 - (a) must specify the time (including by reference to an event) at which the person will no longer be required to self-quarantine, having regard to Departmental Requirements; and
Example: the notice could specify that a person is no longer required to self-quarantine from 14 days after a diagnosed person who the person is living with receives clearance from self-isolation.
 - (b) may be given orally or in writing, and, if given orally, must be confirmed in writing as soon as reasonably practicable; and
 - (c) is not required to be in a particular form.

Requirement to self-quarantine

- (4) A **close contact** must **self-quarantine** under these directions.

Note: the requirements of self-quarantine are specified in clause 8.

Location of self-quarantine

- (5) A close contact may choose to self-quarantine at:
- (a) a premises at which they ordinarily reside; or
 - (b) another premises that is suitable for the person to reside in for the purpose of self-quarantine.

Note 1: a person can decide to self-quarantine at a hotel or other suitable location, instead of self-quarantining at their ordinary place of residence.

Note 2: once a person has chosen the premises at which to self-quarantine, the person must reside at that premises for the entirety of the period of self-quarantine: see clause 8(2)(a).

- (6) If, at the time a person is given a notice under subclause (1)(b), the person is not at the premises chosen by the person under subclause (5), the person must immediately and directly travel to that premises.

End of self-quarantine period

- (7) For the purposes of this clause, the period of self-quarantine ends:
- (a) subject to paragraph (c), at the time specified in the notice given under subclause (1)(b) as given or as varied under subclause (9); or
 - (b) if the notice given to the person under subclause (1)(b) is revoked under subclause (9), at the time that revocation takes effect; or
 - (c) if the person becomes a diagnosed person following a test for 2019-nCoV – when the diagnosis is communicated to the person.

Note: a close contact who becomes a diagnosed person will then be required to self-isolate under clause 4, for a period ending when the person is given clearance from self-isolation under clause 5.

Exception – previous clearance

- (8) A person is not required to self-quarantine under this clause if, before the time that notice is given under subclause (1)(b), the person has been given, or is taken to have been given, clearance from self-isolation under clause 5.

Review of determination and notice

- (9) An **authorised officer**, who is authorised to exercise **emergency powers** by the Chief Health Officer under section 199(2)(a) of the PHW Act, may review a determination made under subclause (2) and, if satisfied that it is appropriate, having regard to Departmental Requirements, may vary or revoke the notice given to the person under subclause (1)(b), and must give the person notice of the authorised officer's decision.

Transitional provision – close contacts under Revoked Isolation Directions

- (10) If a person was a close contact under clause 7 of a Revoked Isolation Direction:
- (a) a determination in relation to the person made under clause 7(2) of the Revoked Isolation Direction is taken to be a determination made under subclause (2); and
 - (b) a notice given to the person under clause 7(1)(b) of the Revoked Isolation Direction is taken to be a notice given under subclause (1)(b); and
 - (c) for the purposes of subclause (5), the person is taken to have chosen to self-quarantine at the premises at which the person was required to self-quarantine under the Revoked Isolation Direction.

Transitional provision – persons residing with diagnosed person

- (11) If immediately prior to the commencement of these Directions, a person was required to self-quarantine under clause 6 of the **Diagnosed Persons and Close Contacts Directions (No. 2)** (the **previous directions**):
- (a) the person is taken to have been determined to be a close contact for the purposes of this clause; and

- (b) for the purposes of subclause (5), the person is taken to have chosen to self-quarantine at the premises at which the person was required to self-quarantine under the previous directions; and
- (c) the person is taken to have been given a notice under subclause (1)(b) specifying that the time at which the person will no longer be required to self-quarantine is the time provided for in clause 6(4) of the previous directions.

Note: a person who was required to self-quarantine under the previous directions because they reside with a person who is, or was, a diagnosed person, will continue to be required to self-quarantine for the period determined by the previous directions, unless that period is altered pursuant to subclause (9).

7 Testing of persons in self-quarantine

- (1) If a person is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person:
 - (a) is tested for 2019-nCoV; and
 - (b) the period for which the person is required to self-quarantine under clause 6 expires during the period in which the person is awaiting the result of that test; the period of self-quarantine is extended until the person receives the result of the test.

Note: persons who are in self-quarantine and experience a temperature higher than 37.5 degrees or symptoms of acute respiratory infection are encouraged to get tested. In certain circumstances, a person may be required to comply with an order that they undergo a medical test: PHW Act, section 113(3).
- (2) If a person is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person receives a test result stating that they have been diagnosed with 2019-nCoV, the person becomes a diagnosed person and must self-isolate under clause 4.
- (3) If a person is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person receives a test result stating that they have not been diagnosed with 2019-nCoV:
 - (a) if the period for which the person is required to self-quarantine under clause 6 has not expired – must continue to self-quarantine under that clause for the remainder of that period; or
 - (b) if the period of self-quarantine was extended under subclause (1) – may cease self-quarantining.

8 Requirements of self-isolation and self-quarantine

- (1) This clause applies to a person who is required to:
 - (a) **self-isolate** at a premises under clause 4; or
 - (b) **self-quarantine** at a premises under clause 6.
- (2) The person identified in subclause (1):
 - (a) must reside at that premises for the entirety of the period of self-isolation or self-quarantine, as the case requires, except for any period that the person is admitted to a hospital or other facility for the purposes of receiving medical care; and
 - (b) must not leave the premises, except:
 - (i) for the purposes of obtaining medical care or medical supplies; or
 - (ii) in any emergency situation; or
 - (iii) for the purposes of exercise, but only if the person:
 - (A) takes reasonable steps to maintain a distance of 1.5 metres from any other person, unless the other person is required to self-isolate or self-quarantine at the same premises; and
 - (B) does not enter any other building; or

- (iv) if required to do so by law; or
- (v) for the purposes of visiting a patient in hospital if permitted to do so under the **Hospital Visitor Directions (No. 6)**; and
- (c) must not permit any other person to enter the premises unless:
 - (i) that other person:
 - (A) ordinarily resides at the premises; or
 - (B) is required to self-isolate or self-quarantine at the premises under these directions; or
 - (ii) it is necessary for the other person to enter for medical or emergency purposes; or
 - (iii) the other person is a **disability worker**, and it is necessary for the disability worker to enter for the purpose of providing a **disability service** to a person with a **disability**;
 - (iv) it is necessary for the other person to enter for the purpose of providing personal care or household assistance to the person as a result of that person's age, disability or chronic health condition; or
Example: personal care includes assistance with showering, toileting, eating; household assistance includes help with cooking, house cleaning, laundry and gardening.
 - (v) the entry is otherwise required or authorised by law.
- (3) Subclause (2)(c) does not apply to a person who is a **resident** of a **care facility**.
Note: the Care Facilities Directions (No. 5) govern who can enter a care facility.

9 Exemption power

- (1) A person is not required to comply with a requirement of these directions if the person is granted an exemption from that requirement under subclause (2).
- (2) The Chief Health Officer or Deputy Chief Health Officer may exempt a person from any or all requirements contained in these directions, if satisfied that an exemption is appropriate, having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.
- (3) An exemption under subclause (2) must:
 - (a) be given, in writing, to the person the subject of the exemption; and
 - (b) specify the requirement or requirements that the person need not comply with.
- (4) An exemption granted to a person under this clause does not prevent an authorised officer from exercising an emergency power to give the person a different direction or impose a different requirement on the person.

10 Definitions

In these directions:

- (1) **authorised officer** has the same meaning as in the PHW Act;
- (2) **care facility** has the same meaning as in the **Care Facilities Directions (No. 5)**;
- (3) **Department** means the Victorian Department of Health and Human Services;
- (4) **Departmental Requirements** means the document titled 'COVID-19 Pandemic Plan for the Victorian Health Sector', as amended from time to time;
*Note: the Departmental Requirements are available at:
<https://www2.health.vic.gov.au/about/publications/ResearchAndReports/covid-19-pandemic-plan-for-vic>*
- (5) **emergency powers** has the same meaning as in the PHW Act;
- (6) **hospital** has the same meaning as in the **Hospital Visitors Directions (No. 6)**;

- (7) **premises** means:
- (a) a building, or part of a building; and
 - (b) any land on which the building is located, other than land that is available for communal use;
- (8) **resident** of a care facility has the same meaning as in the **Care Facilities Directions (No. 5)**;
- (9) **Revoked Isolation Direction** means the following directions:
- (a) **Isolation (Diagnosis) Direction**, given on 25 March 2020;
 - (b) **Isolation (Diagnosis) Direction (No. 2)**, given on 13 April 2020;
 - (c) **Diagnosed Persons and Close Contacts Directions**, given on 11 May 2020;
 - (d) **Diagnosed Persons and Close Contacts Directions (No. 2)**, given on 31 May 2020;
- (10) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
- (a) disability;
 - (b) disability service;
 - (c) disability worker.

11 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.
- Penalty: In the case of a natural person, 120 penalty units;
In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

Dated 21 June 2020

DR ANNALIESE VAN DIEMEN
Deputy Chief Health Officer (Communicable Disease),
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the PHW Act.

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM DEPUTY CHIEF HEALTH OFFICER (COMMUNICABLE DISEASE)
IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM
DECLARED STATE OF EMERGENCY****Hospital Visitor Directions (No. 6)**

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), consider it reasonably necessary to protect public health to give the following directions pursuant to section 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

1 Preamble

- (1) The purpose of these directions is to prohibit non-essential visits to hospitals in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions replace the **Hospital Visitor Directions (No. 5)** given on 16 June 2020, and:
 - (a) permit certain visitors who might otherwise be excluded from entering or remaining in a hospital to:
 - (i) visit a patient for the purposes of end of life support;
 - (ii) visit a patient whose medical condition is life threatening and that patient is an immediate family member of the visitor;where the visitor is authorised to enter or remain at the hospital by an officer of the hospital with the position of Executive Director Nursing or equivalent.

2 Revocation

The **Hospital Visitor Directions (No. 5)** are revoked at 11:59:00 pm on 21 June 2020.

3 Citation

These directions may be referred to as the **Hospital Visitor Directions (No 6)**.

4 Prohibition on entry

- (1) A person must not enter, or remain at, a **hospital** in Victoria between (and including) 11:59:00 pm on 21 June 2020 and 11:59:00 pm on 12 July 2020 unless:
 - (a) the person is a **patient** of the hospital; or
 - (b) the person is a **worker** in relation to the hospital, as defined in clause 5; or
 - (c) the person is a **visitor** in relation to a patient of the hospital, as defined in clause 6; or
 - (d) the person is present in an area of the hospital in respect of which an exemption under clause 7 is in force.

Excluded persons

- (2) Despite subclause (1), a worker or a visitor or a person referred to in subclause (1)(d) must not enter or remain at a hospital in Victoria between (and including) 11:59:00 pm on 21 June 2020 and 11:59:00 pm on 12 July 2020 if:
 - (a) the person has been diagnosed with 2019-nCoV, and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions (No. 3)**; or
 - (b) during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia; or
 - (c) during the 14 days immediately preceding the entry, the person had known contact with a person who has been diagnosed with 2019-nCoV; or

*Note: a person who has had known contact with a person who has been diagnosed with 2019-nCoV may also be required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions (No. 3)**.*

- (d) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection.

Hospital may permit certain excluded persons to visit

- (3) Despite subclause (2), a person referred to in subclause (2)(b) or (2)(c) may enter or remain at a hospital if:
 - (a) the person is:
 - (i) a visitor in relation to a patient under clause 6(1)(a); or
 - (ii) a visitor in relation to a patient under clause 6(1)(c), and the purpose of the visit is to attend the birth of the patient's child; or
 - (iii) a visitor in relation to a patient under clause 6(1)(f); or
 - (iv) a visitor in relation to a patient of the hospital whose medical condition is life threatening and that patient is an immediate family member of the visitor; and
 - (b) the person is authorised to enter or remain at the hospital by an officer of the hospital with the position of Executive Director Nursing and Midwifery or equivalent.

Note: a hospital may determine whether it will allow a person who has been in close contact with a person who has been diagnosed with 2019-nCoV or who has recently arrived from overseas to visit the hospital in certain specified circumstances, and what conditions it will impose on such visits.

- (4) Despite subclause (2), a person referred to in subclause (2)(a) may enter or remain at a hospital if:
 - (a) the person is:
 - (i) a visitor in relation to a patient under clause 6(1)(f); or
 - (ii) a visitor in relation to a patient of the hospital whose medical condition is life threatening and that patient is an immediate family member of the visitor; and
 - (b) the person is authorised to enter or remain at the hospital by:
 - (i) an officer of the hospital with the position of Executive Director Nursing or equivalent; and
 - (ii) the Chief Health Officer or Deputy Chief Health Officer.

Note: a person who has been diagnosed with 2019-nCoV and has not yet been given, or taken to have been given, clearance from self-isolation under the Diagnosed Persons and Close Contacts Directions (No. 3) may be authorised to visit the hospital under this subclause. Such authorisation has to be given by both the hospital and the Chief Health Officer or the Deputy Chief Health Officer, and can be subject to conditions: see subclause (7).

- (5) Only one visitor referred to in subclause (3)(a)(ii) may be authorised under subclause (3)(b) in relation to a particular patient.

Note: a pregnant patient may still have 2 visitors attend the birth, provided only one of them requires authorisation under subclause (3)(b): see clause 6(4).
- (6) A person permitted to enter or remain at a hospital under subclause (3) must comply with any directions or conditions imposed in relation to their visit by the officer of the hospital who authorised their visit under subclause (3)(b).
- (7) A person permitted to enter or remain at a hospital under subclause (4) must comply with any directions or conditions imposed in relation to their visit by either or both of:
 - (a) the officer of the hospital who authorised their visit under subclause (4)(b)(i); and
 - (b) the Chief Health Officer or the Deputy Chief Health Officer.

- (8) An officer of the hospital referred to in subclause (3)(b) or subclause (4)(b)(i) as the case may be must keep, in relation to each person to whom they give authorisation under that subclause, a record of:
- (a) the contact details of the person; and
 - (b) the date and time at which that person entered and left the hospital; for at least 28 days from the day the authorisation is given.

5 Definition of worker

- (1) A person is a **worker** in relation to a hospital if:
- (a) the person is an employee or contractor of the hospital or a student under the supervision of an employee or contractor of the hospital; or
 - (b) the person's presence at the hospital is for the purposes of providing health, medical or pharmaceutical goods or services to a patient of the hospital, whether the goods or services are provided for consideration or on a voluntary basis; or
 - (c) the person is a **disability worker** and the person's presence at the hospital is for the purposes of providing a **disability service** to a patient with a **disability**; or
 - (d) the person's presence at the hospital is for the purposes of providing goods or services that are necessary for the effective operation of the hospital, whether the goods or services are provided for consideration or on a voluntary basis; or
- Note: union and employer representatives are covered by this paragraph.*
- (e) the person's presence at the hospital is authorised or required for the purposes of emergency management, law enforcement, or the performance of a duty, function or power under a law.

6 Definition of visitor

- (1) A person is a **visitor** in relation to a patient of a hospital if:
- (a) in the case of a patient of the hospital aged under 18 years – the person is the parent or guardian of the patient or has temporary care of the patient; or
 - (b) in the case of a patient of the hospital with a **disability** – the person is the carer of the patient; or
 - (c) in the case of a pregnant patient of the hospital whose status as a patient relates to the pregnancy – the person is the patient's partner or support person; or
 - (d) in the case of a patient of the hospital attending at the hospital's emergency department – the person is accompanying the patient; or
 - (e) in the case of a patient of the hospital attending an outpatient appointment – the person is accompanying the patient; or
 - (f) the person's presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
 - (g) the person's presence at the hospital is for the purposes of a **care and support visit** to a patient of the hospital on a particular day.

Note: aside from a care and support visit under paragraph (g), these directions do not impose any time limit on the period that a visitor within paragraphs (a) to (f) may attend a hospital. However, all visitors will remain subject to each hospital's local operating procedure.

- (2) **Care and support visit** means a visit of no longer than 2 hours made to a patient by one person, or 2 persons together, for the purposes of providing care and support to the patient.

- (3) A patient may have up to 2 care and support visits each day, provided:
 - (a) the total duration of a patient's care and support visits each day does not exceed 2 hours; and
 - (b) a patient receives care and support visits from no more than 2 persons in total each day.
- (4) No more than 2 **visitors** may visit a patient at one time.

7 **Exemption power**

The Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant an exemption from these directions in respect of a specified area of a hospital if the Chief Health Officer or the Deputy Chief Health Officer, as the case requires, is satisfied, having regard to the need to limit the spread of 2019-nCoV, that an exemption is appropriate due to:

- (1) the nature of the area; or
- (2) the existing limits on the number of people that may be present in the area (whether because of the operation of a direction under the PHW Act, or otherwise).

8 **Operator to take all reasonable steps**

The **operator** of a hospital in Victoria must take all reasonable steps to ensure that a person does not enter or remain on the premises of the hospital if the person is prohibited from doing so by clause 4.

9 **Other Definitions**

For the purposes of these directions:

- (1) **hospital** means:
 - (a) a public hospital; or
 - (b) a denominational hospital; or
 - (c) a multi-purpose service; or
 - (d) a private hospital; or
 - (e) a day procedure centre;
- (2) **operator** of a hospital means a person who owns, controls or operates the hospital;
- (3) **patient** of a hospital means a person who requests or is being provided with health, medical or pharmaceutical services by the hospital;
- (4) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
 - (a) disability;
 - (b) disability service;
 - (c) disability worker;
- (5) the following expressions have the same meanings as they have in the **Health Services Act 1988**:
 - (a) day procedure centre;
 - (b) denominational hospital;
 - (c) multi-purpose service;
 - (d) public hospital;
 - (e) private hospital.

10 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.
Penalty: In the case of a natural person, 120 penalty units;
In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

Dated 21 June 2020

DR ANNALIESE VAN DIEMEN
Deputy Chief Health Officer (Communicable Disease),
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the **Public Health and Wellbeing Act 2008** (Vic.).

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM DEPUTY CHIEF HEALTH OFFICER (COMMUNICABLE DISEASE)
IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM
DECLARED STATE OF EMERGENCY

Care Facilities Directions (No. 5)

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), consider it reasonably necessary to protect public health to give the following directions pursuant to section 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

1 Preamble

- (1) The purpose of these directions is to make provision for restricted access to care facilities in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**) within a particularly vulnerable population.
- (2) These directions replace the **Care Facilities Directions (No. 4)**, and clarify that persons providing functional and well-being support services (such as hairdressing, diversional and recreational therapies and music therapies) are allowed to enter a care facility to provide these services to residents.

2 Revocation

The **Care Facilities Directions (No. 4)** are revoked at 11:59:00 pm on 21 June 2020.

3 Citation

These directions may be referred to as the **Care Facilities Directions (No. 5)**.

4 Definition of care facility

A **care facility** is a facility in Victoria that is:

- (1) an **alcohol and drug residential service**;
- (2) a **homelessness residential service**;
- (3) a **residential aged care facility**;
- (4) a **disability residential service**;
- (5) an **eligible SDA enrolled dwelling**;
- (6) a **secure welfare service**;
- (7) a **short-term accommodation and assistance dwelling**;
- (8) a **supported residential service**;
- (9) the **Thomas Embling Hospital**.

5 Prohibition on entry

- (1) A person must not enter, or remain on, the premises of a **care facility** between (and including) 11:59:00 pm on 21 June 2020 and 11:59:00 pm on 12 July 2020 unless:
 - (a) the person is a **resident** of the facility; or
 - (b) the person is a **worker** in relation to the facility, as defined in clause 6; or
 - (c) the person is a **visitor** in relation to the facility, as defined in clause 7.

Excluded persons

- (2) Despite subclause (1), a person who is a worker or a visitor in relation to a care facility must not enter, or remain on, the premises of the facility between (and including) 11:59:00 pm on 21 June 2020 and 11:59:00 pm on 12 July 2020 if:
 - (a) the person has been diagnosed with 2019-nCoV, and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions (No. 3)**; or

- (b) during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia; or
- (c) during the 14 days immediately preceding the entry, the person had known contact with a person who has been diagnosed with 2019-nCoV; or
Note: a person who has had known contact with a person who has been diagnosed with 2019-nCoV may also be required to self-quarantine under the Diagnosed Persons and Close Contacts Directions (No. 3).
- (d) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection; or
- (e) if the care facility is a residential aged care facility – the person does not have an up to date vaccination against influenza, if such a vaccination is available to the person; or
- (f) the person is aged under 16 years, other than:
 - (i) in circumstances where the person’s presence at the premises is for the purposes of end of life support for a resident of the facility; or
 - (ii) if the facility is a secure welfare service or a supported residential service and the person is accompanied by an adult; or
 - (iii) if the facility is an alcohol and drug residential service and the person is accompanied by an adult.

6 Definition of worker

- (1) A person is a **worker** in relation to a care facility if:
 - (a) the person is the **operator** of the facility or an **employee or contractor** in relation to the facility; or
 - (b) the person’s presence at the premises of the facility is for the purposes of providing goods or services that are necessary for the effective operation of the facility, whether the goods or services are provided for consideration or on a voluntary basis; or
 - (c) the person’s presence at the premises of the facility is for the purposes of providing any of the following goods or services to a resident of the facility, whether the goods or services are provided for consideration or on a voluntary basis:
 - (i) health, medical, or pharmaceutical goods or services;
 - (ii) behavioural support services;
 - (iii) functional and well-being support services; or
Examples: hairdressing, diversional and recreational therapies, music therapies.
 - (iv) other support services; or
 - (d) in the case of a disability residential service or an eligible SDA enrolled dwelling – the person’s presence at the premises of the facility is for the purposes of providing treatment under a **treatment plan** to a resident of the facility, whether the treatment is provided for consideration or on a voluntary basis; or
 - (e) in the case of a secure welfare service – the person’s presence at the premises of the facility is for the purposes of providing educational services to a resident of the facility, whether the goods or services are provided for consideration or on a voluntary basis; or
 - (f) the person’s presence at the premises of the facility is authorised or required for the purposes of emergency management, law enforcement, or the performance of a duty, function or power under a law.

7 Definition of visitor

- (1) A person is a **visitor** in relation to a care facility if the person's presence at the premises of the facility is:
 - (a) for the purposes of a **care and support visit** to a resident of the facility; or
 - (b) for the purposes of providing end of life support to a resident of the facility; or
 - (c) in the person's capacity as a prospective resident of the facility; or
 - (d) for the purposes of accompanying a prospective resident (provided there are no more than 2 persons accompanying the prospective resident).
- (2) **Care and support visit** means a visit of no longer than 2 hours made to a resident of a care facility by one person, or 2 persons together, for the purposes of providing care and support to the resident.
- (3) A resident may have up to 2 care and support visits each day, provided:
 - (a) the total duration of a resident's care and support visits each day does not exceed 2 hours; and
 - (b) a resident receives care and support visits from no more than 2 persons in total each day.

8 Operator to take all reasonable steps

The operator of a care facility in Victoria must take all reasonable steps to ensure that a person does not enter or remain on the premises of the facility if the person is prohibited from doing so by clause 5.

9 Relationship with other Directions

If there is any inconsistency between these directions and the **Hospital Visitor Directions (No. 6)**, these directions are inoperative to the extent of the inconsistency.

10 Definitions

For the purposes of these directions:

- (1) **alcohol and drug residential service** means any of the following:
 - (a) a treatment centre within the meaning of the **Severe Substance Dependence Treatment Act 2010**;
 - (b) a residential treatment service (however described) that provides drug or alcohol withdrawal or rehabilitation services in a residential setting to people dependent on alcohol or other drugs;
 - (c) a service that provides supported accommodation to a person after the person has received residential treatment services of the kind referred to in paragraph (b);
- (2) **disability residential service** means a residential service within the meaning of the **Disability Act 2006** and to avoid doubt, includes the facility called the Intensive Residential Treatment Program of the Statewide Forensic Service;

Note: the Intensive Residential Treatment Program of the Statewide Forensic Service is often referred to as 'DFATS'.
- (3) **eligible SDA enrolled dwelling** means an SDA enrolled dwelling that is provided under an SDA residency agreement within the meaning of section 498B of the **Residential Tenancies Act 1997**;
- (4) **employee or contractor**, in relation to a care facility, means a person employed or engaged as a contractor by the operator of the facility, and includes a person who **provides labour hire services** to the operator of the facility;
- (5) **flexible care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;

- (6) **homelessness residential service** means a service that is funded by government to provide a staffed residential service to people who are homeless or at risk of being homeless;
- (7) **operator** of a care facility means:
- (a) for an **alcohol and drug treatment facility** – the operator of the facility;
 - (b) for a **homelessness residential service** – the entity that receives government funding to provide the service;
 - (c) for a **residential aged care facility** – the operator of the facility;
 - (d) for a **disability residential service** – the **disability service provider** that operates the service;
 - (e) for an **eligible SDA enrolled dwelling** – the **disability service provider** or the **registered NDIS provider** that operates the service;
 - (f) for a **short-term accommodation and assistance dwelling** – the **registered NDIS provider** or the **disability service provider** that operates the service;
 - (g) for a **secure welfare service** – the Secretary to the Department of Health and Human Services;
 - (h) for a **supported residential service** – the **proprietor** of the supported residential service;
 - (i) for the **Thomas Embling Hospital** – the **Victorian Institute of Forensic Mental Health**;
- (8) **proprietor** of a supported residential service has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (9) **provides labour hire services** has the same meaning as in the **Labour Hire Licensing Act 2018**;
- (10) **registered NDIS provider** has the same meaning as in the **National Disability Insurance Scheme Act 2013** of the Commonwealth;
- (11) **resident** of a care facility includes a patient of the care facility;
- (12) **residential aged care facility** means a premises 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;
- (13) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (14) **secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (15) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (16) **Thomas Embling Hospital** means the hospital of that name operated by the **Victorian Institute of Forensic Mental Health**;
- (17) the following expressions have the same meaning as they have in the **Disability Act 2006**:
- (a) disability service provider;
 - (b) SDA enrolled dwelling;
 - (c) SDA provider;
 - (d) short-term accommodation and assistance dwelling;
 - (e) treatment plan;
- (18) **Victorian Institute of Forensic Mental Health** has the same meaning as in the **Mental Health Act 2014**.

11 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.
Penalty: In the case of a natural person, 120 penalty units;
In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

Dated 21 June 2020

DR ANNALIESE VAN DIEMEN
Deputy Chief Health Officer (Communicable Disease),
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the PHW Act.

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM DEPUTY CHIEF HEALTH OFFICER (COMMUNICABLE DISEASE)
IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM
DECLARED STATE OF EMERGENCY****Stay Safe Directions (No. 2)**

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), consider it reasonably necessary to protect public health to give the following directions pursuant to section 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

PART 1 – PRELIMINARY**1 Preamble**

- (1) The purpose of these directions is to address the serious public health risk posed to Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions require everyone in Victoria to limit their interactions with others by placing restrictions on gatherings and the return to workplaces.
- (3) These directions must be read together with the **Directions currently in force**, being the **Restricted Activity Directions (No. 10)**, the **Diagnosed Persons and Close Contacts Directions (No. 3)**, the **Hospital Visitor Directions (No. 6)** and the **Care Facilities Directions (No. 5)**.
- (4) These directions replace the **Stay Safe Directions**, and, amongst other things, amend the restrictions on:
 - (a) private gatherings (permitting up to 5 people to visit another person's home); and
 - (b) public gatherings (permitting a group of up to 10 people to gather in a public place).

2 Citation

These directions may be referred to as the **Stay Safe Directions (No. 2)**.

3 Revocation

The **Stay Safe Directions** are revoked at 11:59:00 pm on 21 June 2020.

4 Stay safe period

For the purposes of these directions, the **stay safe period** is the period beginning at 11:59:00 pm on 21 June 2020 and ending at 11:59:00 pm on 12 July 2020.

PART 2 – STAY SAFE**5 Direction – staying safe while leaving the home***Leaving the home*

- (1) A person who is in Victoria during the stay safe period may leave the **premises** where they ordinarily reside for any reason subject to subclause (2).
- (2) When leaving their premises, a person:
 - (a) must comply with the restrictions on gatherings in clause 7;
 - (b) must comply with the Directions currently in force, including (without limitation) by:
 - (i) not engaging in an activity that is prohibited under the **Restricted Activity Directions (No. 10)**; and
 - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (No. 10)** in accordance with any requirements set out in those Directions; and

- (c) if leaving the premises where they ordinarily reside for work or higher education purposes, must only do so if in accordance with clause 6.

Note 1: a person should take reasonable steps to maintain a distance of 1.5 metres from all other persons (except those people with whom they ordinarily reside), when leaving their premises and should practise hand hygiene in accordance with the Department of Health and Human Services' guidelines as updated from time to time.

*Note 2: if a person experiences a temperature higher than 37.5 degrees or symptoms of acute respiratory infection, they are strongly encouraged to get a test for 2019-nCoV and remain at their ordinary place of residence until they obtain their test result. If they are diagnosed with 2019-nCoV, they must self-isolate in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 3)**.*

Ordinary place of residence

- (3) In these directions:

- (a) if a person ordinarily resides outside Victoria, the premises where that person is temporarily residing in Victoria during the stay safe period (or part thereof) is taken to be the person's ordinary place of residence for the period (or part thereof); and
- (b) if, during the stay safe period, a person moves from the premises at which they ordinarily reside to a new premises, the new premises is taken to be the person's ordinary place of residence from midnight on the day that the person moves.

Note: a person may have more than one ordinary place of residence and, if so, is able to move freely between those places.

PART 3 – WORK AND HIGHER EDUCATION

6 Leaving premises to attend work or higher education

Leaving for work

- (1) A person may leave the premises where they ordinarily reside to attend work only if it is not reasonably practicable to work from their premises or another suitable premises which is not the employer's premises.

*Note 1: under clause 16 of the **Restricted Activity Directions (No. 10)** an employer must not permit an employee to perform work at the employer's premises where it is reasonably practicable for the employee to work at the employee's place of residence or another suitable premises which is not the employer's premises.*

Note 2: 'reasonably practicable' is to have its ordinary common sense meaning.

Example: if a school has resumed on-site schooling, then other than in special circumstances, it is not reasonably practicable for a person employed or contracted to work in a registered school, or to provide on-site support services to that school, to work from the premises where they ordinarily reside.

Leaving for higher education

- (2) A person may leave the premises where they ordinarily reside to obtain **higher education services** only if it is not reasonably practicable to obtain higher education services from their premises.

Note: 'reasonably practicable' is to have its ordinary common sense meaning.

PART 4 – GATHERINGS

7 Restrictions on gatherings

Private gatherings

- (1) During the stay safe period, subject to subclause (2), a person must not permit another person to enter the premises at which they ordinarily reside (whether or not entering any building on the premises), unless at the time of entry, no more than four other persons (who do not ordinarily reside at the premises) are at the premises.

Note: clause 7(1) limits the number of people who may visit a residential premises (at which they do not ordinarily reside) at any one time to 5.

- (2) Subclause (1) does not operate to prevent:
- (a) any person entering the premises:
 - (i) if permitted under, and provided they comply with the requirements of, the Directions currently in force; or
 - (ii) to attend or undertake work or obtain higher education services in accordance with clause 6; or
 - (iii) to provide childcare, child-minding, early childhood education, schooling or education services (whether paid or on a voluntary basis); or
 - (iv) if that person is a parent, guardian or relative of a child who ordinarily resides at the premises, to visit that child; or
 - (v) to provide care and support to a relative or other person who ordinarily resides at the premises and:
 - (A) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
 - (B) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
 - (vi) to visit someone who ordinarily resides at those premises and with whom they are in an intimate personal relationship; or
 - (vii) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
 - (viii) for emergency purposes; or
 - (ix) as required or authorised by law; or
 - (x) for purposes relating to the administration of justice.

Example: if a child ordinarily resides at a boarding school during the school term, and there are 5 or more visitors who do not ordinarily reside at the boarding school during the school term, then that child's parent, guardian or relative may still visit them.

*Note: clause 7(1) does not apply to a care facility, as defined in the **Care Facilities Directions (No. 5)**. Access and visits to care facilities are regulated by those directions.*

Public gatherings

- (3) During the stay safe period, a person must not arrange to meet, or organise a gathering of, more than 9 other persons for a common purpose at a public place, except:

Note 1: under clause 7(3) the limit on the number of people who may meet in a public place at any one time is 10.

Note 2: two or more groups of ten cannot meet for a common purpose at a public place.

- (a) where each other person ordinarily resides at the same premises; or
- (b) for the purpose of attending a wedding that complies with the requirements in subclause (4); or
- (c) for the purpose of attending a funeral that complies with the requirements in subclause (5); or
- (d) if it is necessary to arrange a meeting or organise a gathering for one or more of the following purposes:
 - (i) engaging in an activity permitted under, and provided they comply with any requirements of, the **Restricted Activity Directions (No. 10)**;

*Note 1: under the **Restricted Activity Directions (No. 10)**, a person who owns, controls or operates some entertainment facilities or a food and drink facility (each as defined in the **Restricted Activity Directions (No. 10)**) may in some circumstances permit up to 20 members of the public in each indoor or outdoor space.*

Example: a restaurant may in some circumstances permit up to 20 members of the public in each indoor or outdoor space, but a person attending the restaurant may only arrange for a group of up to 9 other people to attend with them.

*Note 2: spectators, where allowed under the **Restricted Activity Directions (No. 10)**, are limited to a group of 10 in accordance with the public gathering restriction in clause 7(3).*

- (ii) work;
- (iii) education;
- (iv) emergency purposes;
- (v) purposes as required or authorised by law;
- (vi) purposes relating to the administration of justice.

Note: a person may leave the premises at which they ordinarily reside using transport (public or private) regardless of how many people are on the tram, train, or bus. A group of people from the same premises, or people from different premises, may travel together in a vehicle, other than a public transport vehicle, subject to the restrictions on gatherings in clause 7.

- (3A) A person who arranges or organises a gathering under subclause (3) must take reasonable steps to ensure that those attending the gathering maintain a distance of at least 100 metres from all other gatherings, except in the circumstances set out in subclauses 3(a), (b), (c) and (d).

Weddings and funerals

- (4) The requirements for a wedding are that:
- (a) it involves only:
 - (i) the two persons being married; and
 - (ii) the **authorised celebrant**; and
 - (iii) no more than 20 other guests including two persons witnessing the marriage for the purposes of section 44 of the **Marriage Act 1961** of the Commonwealth; and
 - (b) in any case (other than at a person's ordinary place of residence), the total number of **members of the public** present at the same time in the space must not exceed the **density quotient**; and
 - (c) if held at a person's ordinary place of residence, it must comply with the gathering restriction in clause 7(1).

Note 1: a wedding held at a person's ordinary place of residence is limited to those persons who ordinarily live at that residence and 5 visitors, including the two persons being married and two persons witnessing the marriage. If the two persons being married and the two persons witnessing the marriage ordinarily live at that residence, they are not counted in the 5 visitors. In all events, the celebrant is not counted in the 5 visitors as the celebrant can enter the premises under clause 7(3)(d)(ii) (work).

*Note 2: record keeping requirements apply to weddings as set out in the **Restricted Activity Directions (No. 10)**.*

- (5) The requirements for a funeral are that:
- (a) it involves no more than 50 members of the public regardless of whether it is held in an **outdoor space** or **indoor space**; and
 - (b) in any case (other than at a person's ordinary place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient; and
 - (c) if held at a person's ordinary place of residence, it must comply with the gathering restriction in clause 7(1).

Note 1: a funeral held at a person's ordinary place of residence is limited to those persons who ordinarily live at that residence and 5 visitors. The persons reasonably necessary for the conduct of the funeral are not counted in the 5 visitors as they can enter the premises under clause 7(3)(d)(ii) (work).

*Note 2: record keeping requirements apply to funerals as set out in the **Restricted Activity Directions (No. 10)**.*

PART 5 – OTHER PROVISIONS**8 Relationship with other directions**

- (1) If there is any inconsistency between Parts 2, 3 and 4 of these directions and the **Diagnosed Persons and Close Contacts Directions (No. 3)**, Parts 2, 3 and 4 of these directions are inoperative to the extent of the inconsistency.
- (2) If there is any inconsistency between these directions and a direction or other requirement contained in a **Direction and Detention Notice**, these directions are inoperative to the extent of the inconsistency.
- (3) If there is any inconsistency between these directions and a direction or other requirement contained in the **Care Facilities Directions (No. 5)**, these directions are inoperative to the extent of the inconsistency.

9 Definitions

For the purposes of these directions:

- (1) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (2) **density quotient** limits the **members of the public** that are permitted in a space at any one time to the number calculated by dividing the total publicly accessible space (measured in square metres) by 4 and:
 - (a) for an **indoor space** applies to each single undivided area; and
 - (b) for an **enclosed outdoor space** applies to the total area;

Example: if a publicly accessible space is 8.5 metres long and 4.5 metres wide, its total area is 38.25 square metres. Its density quotient is 9.56, so no more than 9 members of the public would be permitted to be in the area at the same time.

Note: the density quotient, also referred to as the '4 metre square rule', is to be calculated by measuring the area which the members of the public can access, such as the table area in a restaurant, but not the food preparation area or in a store room.

- (3) **Direction and Detention Notice** means a notice given to a person who has arrived in Victoria from overseas, requiring the person to be detained for a specified period;
- (4) **Directions currently in force** means the **Restricted Activity Directions (No. 10)**, the **Diagnosed Persons and Close Contacts Directions (No. 3)**, the **Hospital Visitor Directions (No. 6)** and the **Care Facilities Directions (No. 5)**;
- (5) **enclosed outdoor space** means an **outdoor space** (or part of an outdoor space) that is substantially enclosed by either a roof or walls, regardless of whether the roof or walls or any part of them are open or closed;
- (6) **higher education services** means university, vocational education and training, technical and further education (TAFE), adult community and further education, and other post-compulsory education and training;
- (7) **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 open or closed.
- (8) **members of the public** means a person but does not include:
 - (a) a person who is an employee of an operator of the facility or venue; or
 - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (9) **outdoor space** means a space that is not an indoor space;

- (10) **premises** means:
- (a) a building, or part of a building; and
 - (b) any land on which the building is located, other than land that is available for communal use; and
- (11) **stay safe period** has the meaning in clause 4.

10 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.
- Penalty: In the case of a natural person, 120 penalty units;
In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

Dated 21 June 2020

DR ANNALIESE VAN DIEMEN
Deputy Chief Health Officer (Communicable Disease),
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the PHW Act.

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM DEPUTY CHIEF HEALTH OFFICER (COMMUNICABLE DISEASE)
IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM
DECLARED STATE OF EMERGENCY****Restricted Activity Directions (No. 10)**

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), consider it reasonably necessary to protect public health to give the following directions pursuant to section 200(1)(d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions replace the **Restricted Activity Directions (No. 9)**, and now permit the following:
 - (a) limited operation of certain physical recreational facilities;
 - (b) limited operation of play centres and toy libraries;
 - (c) limited operation of cinemas, theatres, music halls, concert halls and auditoriums; and
 - (d) limited operation of licensed premises and retail betting venues.
- (3) These directions must be read together with the **Stay Safe Directions (No. 2)** given on 21 June 2020.

2 Revocation

The **Restricted Activity Directions (No. 9)** are revoked at 11:59:00 pm on 21 June 2020.

3 Citation

These directions may be referred to as the **Restricted Activity Directions (No. 10)**.

3A Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00 pm on 21 June 2020 and ending at 11:59:00 pm on 12 July 2020.

4 Definition of density quotient

The **density quotient** limits the **members of the public** that are permitted in a space at any one time to the number calculated by dividing the total publicly accessible space (measured in square metres) by 4 and:

- (a) for an **indoor space** applies to each single undivided space permitted to operate under these directions; and
- (b) for an **indoor zone** applies to each indoor zone within an indoor space permitted to operate under these directions; and
- (c) for an **outdoor space**, applies to the total space permitted to operate under these directions.

Example:

A: if an indoor space is 8.5 metres long and 4.5 metres wide, its total area is 38.25 square metres. Its density quotient is 9.56, so no more than 9 members of the public would be permitted to be in the indoor space at the same time.

B: if an indoor space is 15 metres long and 10 metres wide, its total area is 150 square metres. Its density quotient is 37.5, however if there is also a 20 person cap on the space, no more than 20 members of the public would be permitted to be in the indoor space at the same time.

Note: the density quotient, also referred to as the 'four square metre rule' is to be calculated by measuring the area which the members of the public can access, such as the table area in a restaurant, but not the food preparation area or in a store room.

5 Pubs, bars, clubs, nightclubs and hotels

- (1) A person who owns, controls or operates a **licensed premises** in Victoria may operate that **premises** during the restricted activity period only to the extent permitted by these directions.
- (2) A **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies liquor under a **general licence**, an **on-premises licence**, a **late night licence** or a **club licence**.

Permitted operations of licensed premises

- (3) A person who owns, operates or controls a licensed premises may operate that premises for the purposes of:
 - (a) operating a **bottleshop**;
 - (b) providing food or drink in accordance with clause 10;
 - (c) providing accommodation in accordance with clause 11; or
 - (d) the operation of a **retail betting venue** wholly contained within the licensed premises in accordance with clause 7(13)(b).

Note: under this direction a nightclub is prohibited from operating a dancefloor. A dancefloor or similar structure may only be used for seated drink or food service in accordance with this direction.

6 Physical recreational facilities

- (1) A person who owns, controls or operates a **physical recreational facility** in Victoria may operate that facility during the restricted activity period only to the extent permitted by these directions.
- (2) A **physical recreational facility** means any of the following, whether operated on a for profit or not-for-profit basis, if open to the public:
 - (a) a facility used predominantly for indoor physical recreation or sport;
Examples: gymnasium, health club, fitness centre, yoga studio, barre and spin facility, basketball court, indoor climbing facility, squash court, table tennis centre.
 - (b) a facility used predominantly for outdoor sport or physical recreation;
Examples: golf club, tennis club.
 - (c) a **personal training facility**;
 - (d) a **play centre**;
 - (e) a trampolining centre.

Permitted operations – indoor activities

- (3) A person who owns, controls or operates a facility listed in subclause (2)(a) (facility used predominantly for indoor physical recreation or sport) or (2)(c) (personal training facility) may operate that facility if in providing its services in an indoor space:
 - (a) except in relation to **community sport** which is subject to subclause (b), the number of members of the public in each indoor zone or each indoor space not consisting of any indoor zones:
 - (i) to whom the services are provided is limited to the lesser of:
 - (A) the number permitted by the density quotient; and
 - (B) 20; and
 - (ii) participating in a group that includes at least one member of the public aged 19 years or over is limited to the lesser of:
 - (A) the number permitted by the density quotient; and
 - (B) 10; and

Examples: a group activity includes a fitness class, a yoga class, a Pilates class.

- (b) the activity is undertaken in compliance with the directions on community sport and physical recreation under clause 6B and any Victorian Government guidance on community sport in indoor facilities; and
- (c) no access is permitted to a sauna or spa within the facility; and
- (d) the person complies with:
 - (i) the **records requirement**; and
 - (ii) the **signage requirement** for each indoor zone or each indoor space not consisting of any indoor zones; and
 - (iii) the **cleaning requirement**.

Note 1: the limits on members of the public in subclause (3) apply for each indoor zone (being a delineated space bigger than 200 square metres) or indoor space without indoor zones. Different limits apply to individual and group activities, and for adult and children groups.

Example: a Pilates studio with four rooms may concurrently run four classes of up to:

- a) 10 participants where at least one participant in a class is aged 19 years or over, subject to the density quotient; and
- b) 20 participants, where all participants in a class are aged 18 years or under, subject to the density quotient.

Note 2: subclause (3) is not intended to limit professional sports teams training in accordance with subclauses (5) and (6) below.

Permitted operations – outdoor activities

- (4) A person who owns, controls or operates a facility listed in subclause (2)(a) (facility used predominantly for indoor physical recreation or sport) or (2)(c) (personal training facility) may operate that facility if in providing its services in an outdoor space:
 - (a) the activity is undertaken in compliance with the directions on community sport and physical recreation under clause 6B; and
 - (b) the person complies with the records requirement.

Note: subclause (4) is not intended to limit professional sports teams training in accordance with subclauses (5) and (6) below.

Permitted operations – professional sport

- (5) Despite subclauses (3) and (4), a person who owns, controls or operates a physical recreational facility may operate that facility if it is operated for the exclusive use of a single professional sporting team at any one time and for training purposes by that team.
- (6) A person who operates a facility under subclause (5) must use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – outdoor facilities

- (7) A person who owns, controls or operates a facility listed in subclause (2)(b) (facility used predominantly for outdoor sport or physical recreation) may operate that facility for the purposes of outdoor sport or physical recreation if:
 - (a) in respect of an indoor space of the facility that is not a **food and drink facility**, the person limits the number of members of the public in the indoor space to the number permitted by the density quotient; and
 - (b) in respect of an indoor space of the facility that is a food and drink facility, the person complies with the restrictions on a food and drink facility under clause 10; and
 - (c) the activity is undertaken in compliance with the directions on community sport and physical recreation under clause 6B; and
 - (d) the person does not permit access to a sauna or spa within the facility.

Examples: a golf club or tennis club may operate to permit outdoor golf or tennis and allow access to change facilities and club rooms.

Note: restrictions apply under clause 12 to a swimming pool of a facility used for outdoor sport or physical recreation.

Permitted operations – play centres and trampolining centres

(8) A person who owns, controls or operates a facility listed in subclause (2)(d) (play centre) or subclause (2)(e) (trampolining centre) may operate that facility if in providing its services:

- (a) the number of members of the public to whom the services are provided is limited in each space to the lesser of:
 - (i) the number permitted in the space by the density quotient; and
 - (ii) 20; and
- (b) the number of members of the public in a group consisting of at least one member of the public aged 19 years or over is limited to the lesser of:
 - (i) the number permitted in the space by the density quotient; and
 - (ii) 10; and

Note: the limits on members of the public under paragraphs (a) and (b) apply for each indoor zone (being a delineated space bigger than 200 square metres), indoor space without an indoor zone and enclosed outdoor spaces. Different limits apply to individual and group activities, and for adult and children groups.

- (c) the person complies with:
 - (i) the signage requirement for each indoor zone, indoor space not consisting of any indoor zones and **enclosed outdoor space** accessible to members of the public; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
- (d) the person uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – educational purposes

(9) A person who owns, controls or operates a physical recreational facility may operate that facility if it is operated for the exclusive use of a single school at any one time for educational purposes.

*Note 1: spectators (which do not include referees or trainers) are limited by the public gatherings restrictions under clause 7(3) of the **Stay Safe Directions (No. 2)**.*

Note 2: food and drink facilities and accommodation facilities that are part of a physical recreation facility may operate under clauses 10 and 11 irrespective of whether the predominate purpose is that of a physical recreation facility.

Note 3: this clause is not intended to restrict the operation of physical recreational facilities that are not open to the public, such as physical recreational facilities located within schools, workplaces or onsite rehabilitation facilities.

6A Community facilities

(1) A person who owns, controls or operates a **community facility** in Victoria may operate that facility during the restricted activity period:

- (a) for hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or

Examples: a food bank, a service for homeless persons.

- (b) for members of the public in accordance with subclause (3); or
- (c) to host a wedding or funeral in accordance with subclause (4); or
- (d) for the exclusive use of a school at any one time for educational purposes.

- (2) A **community facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a community centre or community hall;
 - (b) a public library (including a toy library);
 - (c) a youth centre.

Restrictions – limited members of the public

- (3) A person who operates a facility under subclause (1)(b) must:
- (a) limit the number of members of the public in each indoor space to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 20; and
 - (b) comply with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement, except in relation to support groups if confidentiality is typically required.

Example: support groups for alcohol and drugs or family violence typically require confidentiality.

Restrictions – weddings and funerals

- (4) A person who operates a facility under subclause (1)(c):
- (a) must not host a wedding or funeral unless that wedding or funeral complies with the requirements of the **Stay Safe Directions (No. 2)**; and
 - (b) must comply with:
 - (i) the signage requirement for each indoor space and enclosed outdoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement.

6B Community sport and physical recreation

Persons aged 19 years or over

- (1) A member of the public aged 19 years or over may only participate in a community sport or a physical recreation activity if it is **non-contact** and:
- (a) for community sport, no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
 - (b) for a physical recreation activity:
 - (i) no more than 20 members of the public are participating in a group; or
 - (ii) more than 20 members of the public are participating in a group if all persons have the same ordinary place of residence.

Persons aged 18 years or under

- (2) A member of the public aged 18 years (2) or under may participate in a community sport or physical recreation activity if all members of the public participating in a group are aged 18 years or under.
- (3) A member of the public aged 18 years (3) or under may only participate in a community sport or physical recreation activity that involves at least one participant aged 19 years or over if it is non-contact and:
- (a) for community sport, no more than the minimum number of members of the public required to conduct the sport participate in the activity; and

- (b) for a physical recreation activity:
 - (i) no more than 20 members of the public are participating in a group; or
 - (ii) more than 20 members of the public are participating in a group if all persons have the same ordinary place of residence.

*Note: physical recreation activities that do not take place in a physical recreation facility (for example, bush walking), are subject to the public gatherings restrictions in clause 7(3) of the **Stay Safe Directions (No. 2)**.*

Interaction with restrictions on indoor spaces

- (4) A member of the public who participates in a community sport or a physical recreation activity under subclause (1), (2) or (3) in an indoor space must participate in that activity in a way that complies, as the case applies, with the restrictions on:
 - (a) indoor activities that apply under clause 6(3) to that indoor space; and
 - (b) a community facility that apply under clause 6A to that indoor space of a community facility.

Note 1: a reference in this clause to members of the public participating is not intended to apply to a referee or trainer.

*Note 2: spectators (which do not include those referred to in Note 1 above) are limited in accordance with the public gatherings restrictions in clause 7(3) of the **Stay Safe Directions (No. 2)**.*

7 Entertainment facilities

- (1) A person who owns, controls or operates an **entertainment facility** in Victoria must not operate that facility during the restricted activity period.
- (2) An **entertainment facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a theatre;
 - (b) a cinema;
 - (c) a music hall, concert hall or auditorium;
 - (ca) a gallery or a museum;
 - (d) an arena, stadium or convention centre;
 - (e) an arcade;
 - (f) an amusement park;
 - (g) a **casino**, except to the extent of:
 - (i) providing food and drink in accordance with clause 10; or
 - (ii) providing accommodation in accordance with clause 11;
 - (h) a retail betting venue;
 - (i) a **gaming machine area**;
 - (j) a **brothel, sex on premises venue** or **sexually explicit entertainment venue**;
 - (k) a **bingo centre**.

Permitted operations – broadcast

- (3) Despite subclause (1), a person who owns, controls or operates an entertainment facility may operate that facility for the purpose of allowing a performance to occur at the premises, if that performance is to be broadcast (live or otherwise) via electronic means.

Permitted operations – professional sport

- (4) Despite subclause (1), a person who owns, controls or operates an arena or stadium may operate that facility for the purpose of:
- (a) providing an exclusive training venue for a single professional sporting team at any one time; or
Note: physical recreational facilities located at an arena or stadium must comply with the requirements in clause 6(5).
 - (b) providing a venue for a professional sporting event.
- (5) A person who operates a facility under subclause (4) must:
- (a) only permit to attend the facility a person who is necessary for the management of the facility, professional sporting event, training or the broadcasting of such an event to occur; and
Examples: coaching staff of a professional sports team, and persons employed or engaged in the management or maintenance of the facility are necessary attendees.
Note: spectators are not necessary and not permitted for professional sporting events.
 - (b) not permit a food and drink facility to operate at the arena or stadium, other than to the extent necessary to provide food and drink to persons permitted to attend the arena or stadium under subclause 5(a); and
 - (c) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – community sport and educational purposes

- (6) Despite subclause (1), a person who owns, controls or operates an arena or stadium may operate that facility for the purpose of:
- (a) providing a venue for community sport undertaken in compliance with the directions on community sport and physical recreation under clause 6B; or
 - (b) providing an exclusive venue for a single school at any one time for educational purposes.
- (7) A person who operates a facility under subclause (6) must:
- (a) only permit those persons to attend the facility who are necessary for the provision of the facility as a venue for community sport or as an exclusive venue for a single school; and
Examples: instructors, trainers, coaches and teachers are necessary attendees, as are the minimum number of supporters required for a participant – such as a parent or carer in the case of a child or a person with disability.
 - (b) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – gallery or museum

- (8) Despite subclause (1), a person who owns, controls or operates a gallery or a museum may operate that venue if that person:
- (a) limits the number of members of the public:
 - (i) for each indoor space to the lesser of:
 - (A) the number permitted by the density quotient; and
 - (B) 20;
 - (ii) for each enclosed outdoor space, to the number permitted by the density quotient; and

- (b) complies with:
 - (i) the signage requirement for each indoor space and enclosed outdoor space accessible to members of the public; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
- (c) uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – outdoor arcades or amusement parks

- (9) Despite subclause (1), a person who owns, controls or operates an arcade or amusement park may operate that venue if:
 - (a) the venue is predominantly an outdoor venue; and
 - (b) the person limits the number of members of the public in an indoor space at the venue to the lesser of:
 - (i) the number permitted in the indoor space by the density quotient; and
 - (ii) 20; and
 - (c) the person limits the number of members of the public in an outdoor space at the venue to the number permitted in the outdoor space by the density quotient; and
 - (d) the person complies with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
 - (e) the person uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Note: an arcade located indoors at an outdoor venue is not permitted to be operated.

Permitted operations – drive-in cinemas

- (10) Despite subclause (1), a person who owns, controls or operates a drive-in cinema may operate that venue if:
 - (a) the cinema is in an outdoor space; and
 - (b) persons are not permitted to be seated outside of their vehicles; and
 - (c) the person complies with the cleaning requirement.

Permitted operations – cinema venues

- (11) Despite subclause (1), a person who owns, controls or operates a cinema venue that is not a drive-in cinema may operate that venue if:
 - (a) the number of members of the public permitted in each cinema is limited to the lesser of:
 - (i) the number permitted in the indoor space or enclosed outdoor space by the density quotient; and
 - (ii) 20; and
 - (b) in each cinema a member of the public is required to be seated at least 1.5 metres away from all members of the public who are not from the same group; and

- (c) the person complies with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
- (d) the person uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the venue.

Permitted operations – theatres, music halls, concert halls and auditoriums

- (12) Despite subclause (1), a person who owns, controls or operates a theatre, music hall, concert hall or auditorium may operate that venue if:
 - (a) the number of members of the public permitted in each seating tier in the venue is limited to the lesser of:
 - (i) the number permitted in the indoor space by the density quotient; and
 - (ii) 20; and

Note: a seating tier is a level of seating at a venue, such as the stalls on a ground level, the dress circle on a first level and the gallery on a second level, with an entry point distinct from an entry points for another level.
 - (b) in the venue a member of the public is required to be seated at least 1.5 metres away from all members of the public who are not from the same group; and
 - (c) the person complies with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
 - (d) the person uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the venue.

Permitted operations – retail betting venues

- (13) Despite subclause (1), a person who owns, controls or operates a retail betting venue may operate the venue:
 - (a) if the retail betting venue is not wholly contained within a licensed premises operating as a food and drink facility in accordance with clause 5(3)(b), if:
 - (i) the number of members of the public permitted in the venue is limited to the number permitted by the density quotient; and
 - (ii) the person complies with:
 - (A) the signage requirement for each indoor space; and
 - (B) the cleaning requirement; and
 - (b) if the retail betting venue is wholly contained within a licensed premises operating as a food and drink facility in accordance with clause 5(3)(b).

Note: the restrictions that apply to a licensed premises operating as a food and drink facility in accordance with clause 5(3)(b) apply to the retail betting venue as a part of the licensed premises, including restrictions that apply under clauses 5(3)(b) and 10(3) on numbers of members of the public, group sizes, the signage requirement, the cleaning requirement and the records requirement.

Permitted operations – sexually explicit entertainment venue

- (14) Despite subclause (1), a person who owns, controls or operates a premises that is a sexually explicit entertainment venue may operate the premises if the person:
- (a) limits the number of members of the public in each indoor space to the lesser of:
 - (i) the number permitted in the indoor space by the density quotient; and
 - (ii) 20; and
 - (b) ensures not more than 10 members of the public are permitted in the facility per group booking; and
 - (c) maintains a distance between tables at all times so that members of the public are at least 1.5 metres from other members of the public on different tables when seated; and
 - (d) permits service of food and drinks only to persons who are seated; and
 - (e) complies with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement.

8 Places of worship

- (1) A person who owns, controls or operates a **place of worship** in Victoria may operate that place of worship during the restricted activity period for:
- (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or
Examples: a food bank, a service for homeless persons.
 - (b) hosting a limited group of members of the public; or
Examples: support groups for alcohol and drugs, family violence and parenting.
 - (c) conducting a ceremony (including if the ceremony is to be broadcast, live or otherwise, via electronic means) or permitting private worship; or
 - (d) hosting a wedding or funeral.

Restrictions – limited groups and ceremonies

- (2) A person who operates a place of worship under subclause (1)(b) or (1)(c) must limit the number of members of the public in each indoor space to the lesser of:
- (a) the number permitted by the density quotient; and
 - (b) 20.

Restrictions – weddings and funerals

- (3) A person who operates a place of worship under subclause (1)(d) must not host a wedding or funeral unless that wedding or funeral complies with the requirements of the **Stay Safe Directions (No. 2)**.

Restrictions – signage and cleaning requirements

- (4) A person who owns, operates or controls a place of worship during the restricted activity period must comply with:
- (a) the signage requirement for each:
 - (i) indoor space; and
 - (ii) enclosed outdoor space if hosting a wedding or funeral under subclause (1)(d); and
 - (b) the cleaning requirement; and
 - (c) the records requirement, except in relation to private worship or in relation to support groups if confidentiality is typically required.

9 Retail facilities

- (1) A person who owns, controls or operates an **open retail facility**, including a **restricted retail facility**, in Victoria may operate that facility only to the extent permitted or required by these directions.
- (2) A **restricted retail facility** means the following:
 - (a) a **beauty and personal care facility**;
 - (b) a **hairdressing** facility;
 - (c) an auction house.

Permitted operations – auction houses

- (3) A person who owns, controls or operates an auction house may operate that auction house for the purpose of conducting an auction:
 - (a) to be attended remotely by members of the public; or
 - (b) at the premises of the auction house, to be attended in person by no more than 20 members of the public (whether or not also attended remotely by other members of the public).
- (4) A person who owns, controls or operates an auction house during the restricted activity period must comply with the records requirement in respect of the members of the public that attend in person at the auction house.

Permitted operations – hairdressers

- (5) A person who owns, controls or operates a hairdressing facility may operate that facility provided that the person complies with the records requirement.

Permitted operations – beauty and personal care facility

- (6) A person who owns, controls or operates a beauty and personal care facility may operate that beauty and personal care facility provided that the person:
 - (a) limits the number of members of the public in the venue to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 20; and
 - (b) does not permit access to a sauna or spa within the facility; and
 - (c) complies with the records requirement.

Restrictions – density quotient, signage and cleaning requirements for open retail facilities

- (7) A person who owns, operates or controls an open retail facility during the restricted activity period must comply with:
 - (a) the density quotient for each indoor space; and
 - (b) the signage requirement for each indoor space; and
 - (c) the cleaning requirement.

10 Food and drink facilities

- (1) A person who owns, controls or operates a food and drink facility in Victoria may operate that facility during the restricted activity period only to the extent permitted by these directions.
- (2) A **food and drink facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a cafe;
 - (b) a restaurant;
 - (c) a fast-food store;
 - (d) a cafeteria;
 - (e) a canteen;
 - (f) a licensed premises.

Permitted operations of food and drink facilities – dine-in service

- (3) A person who owns, operates or controls a food and drink facility that is not located inside a **food court** may operate that facility for dine-in service if that person:
- (a) uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
 - (b) ensures not more than 10 members of the public are permitted in the facility per group booking; and
 - (c) maintains a distance between tables at all times so that members of the public are at least 1.5 metres from other members of the public on different tables when seated; and
 - (d) permits service of food or drinks only to members of the public who are seated; and
 - (e) maintains the closure of any gaming machine area, **lucky envelope vending machines** or bingo centre on the premises; and
- Note: a retail gambling venue, such as TAB facilities located at a licensed premises, is permitted to operate under clause 7(13).*
- (f) limits the number of members of the public:
 - (i) for a wedding or a funeral, to the limits imposed by the **Stay Safe Directions (No. 2)**; and
 - (ii) at all other times for each indoor space and each outdoor space to the lesser of:
 - (A) the number permitted by the density quotient; and
 - (B) 20; and
- Note: the limits in subclause (3)(f) include dine-in patrons and those waiting for take away.*
- (g) complies with:
 - (i) the signage requirement for each indoor space and outdoor space accessible to members of the public; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement.

Permitted operations of food and drink facilities – other

- (4) A person who owns, controls or operates a food and drink facility may operate that facility:
- (a) for the purposes of providing food or drink to be consumed off the premises; or
 - (b) if the food and drink facility is located inside a food court, for the purpose of providing food or drink to be consumed off the premises; or
 - (c) if the facility is located:
 - (i) on the premises of a **hospital**, if the facility is located within an area of the hospital that has been exempted from the operation of the **Hospital Visitors Directions (No. 6)** pursuant to clause 7 of those directions; or
 - (ii) on the premises of a **residential aged care facility**; or
 - (iii) on the premises of a childcare centre, early childhood centre or school; or
 - (iv) on the premises of a prison, correctional facility, youth justice centre or other place of custody; or
 - (v) on land that is owned or held under lease by the Commonwealth and used, or intended for use, for the purposes of defence; or

- (vi) on premises that have a dedicated area for the purposes of providing food and drink to drivers of **fatigue-regulated heavy vehicles**; or
- (vii) on the premises of a workplace, if the facility provides food or drink only to persons who work at the workplace; or
- (d) for the purposes of providing food or drink to homeless persons.

11 Accommodation facilities

- (1) A person who owns, controls or operates an **accommodation facility** in Victoria may only operate that facility in accordance with these directions during the restricted activity period.
- (2) For the purposes of this clause, an **accommodation facility** includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a camping ground;
 - (b) a caravan park;
 - (c) a hotel;
 - (d) a hostel;
 - (e) a private holiday rental facility, including Bed and Breakfasts and AirBnBs;
 - (f) a motel;
 - (g) a serviced apartment.

Permitted operations – tourism

- (3) A person who owns, controls or operates an accommodation facility may operate that facility for the purposes of tourism if the person:
 - (a) ensures not more than 20 members of the public are permitted in the facility per group booking; and
 - (b) ensures surfaces accessible in the accommodation facility exclusively to a particular group, including a hotel room or cabin, are **cleaned** between groups; and
 - (c) complies with:
 - (i) the records requirement; and
 - (ii) the cleaning requirement for areas of the accommodation facility that are not for the exclusive use of a particular group, including reception areas.

Permitted operations – alpine resort tourism

- (4) In addition to the requirements set out in subclause (3), a person who owns, controls or operates an accommodation facility with shared kitchen or bathroom facilities located at an **alpine resort**, may operate that facility for the purposes of tourism if the person ensures that:
 - (a) members of separately booked groups do not share bedrooms at the facility; and
 - (b) if a bedroom of the facility has an area of less than 12 square metres, the following people may be booked to stay in that bedroom:
 - (i) persons who ordinarily reside in the same premises or are in a personal intimate relationship with each other; or
 - (ii) one person; and
 - (c) if a bedroom of the facility has an area of 12 square metres or more only the following are permitted to be booked to stay in that bedroom:
 - (i) persons who ordinarily reside in the same premises or are in a personal intimate relationship with each other; or

- (ii) up to 2 persons of the same booked group who do not ordinarily reside in the same premises, and one additional person of the same booked group per additional 4 square metres beyond 12; and
- (d) they use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
- (e) not more than 20 members of the public are permitted to stay in the facility at any time.

Permitted operations – alpine resort employees

- (5) A person who owns, controls or operates an accommodation facility may operate that facility for the purposes of providing accommodation to persons who are employees of businesses located within an alpine resort if the person ensures that:
 - (a) if a bedroom of the facility has an area of less than 12 square metres, only the following are permitted to be booked to stay in that bedroom:
 - (i) persons who ordinarily reside in the same premises or are in a personal intimate relationship with each other; or
 - (ii) one person; and
 - (b) if a bedroom of the facility has an area of 12 square metres or more, only the following are permitted to be booked to stay in that bedroom:
 - (i) persons who ordinarily reside in the same premises or are in a personal intimate relationship with each other; or
 - (ii) up to 2 persons, and one additional person per additional 4 square metres beyond 12.

Permitted operations – other purposes

- (6) A person who owns, controls or operates an accommodation facility may operate that facility for the purposes of providing accommodation to a person:
 - (a) attending the facility in connection with a school camp; or
 - (b) whose place of residence is the accommodation facility; or
 - (c) who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria; or
 - (d) who requires emergency accommodation, including in relation to family violence and other vulnerable groups; or
 - (e) who requires accommodation for work purposes other than as addressed in subclause (5).

12 Swimming pools

- (1) A person who owns, controls or operates premises in Victoria at which there is a swimming pool must only operate the swimming pool in accordance with these directions.

Permitted operations – private swimming pools

- (2) A person is permitted to use a swimming pool if it is at the person's private residence and the swimming pool is not available for use by the public.

Permitted operations – professional sport

- (3) A person who owns, controls or operates a swimming pool at a non-residential premises in Victoria may permit a person to use a swimming pool if the pool is only available for the exclusive use of a single professional sporting team at any one time.
- (4) A person who operates a facility under subclause (3) must use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – community sport and educational purposes

- (5) A person who owns, controls or operates a swimming pool at a non-residential premises in Victoria may permit a person to use a swimming pool if the pool is only available for the exclusive use of:
- (a) members of the public participating in community sport undertaken in compliance with the directions on community sport and physical recreation under clause 6B; or
 - (b) a single school at any one time for educational purposes.
- Note: participation in a community sport includes training for an organised competition.*
- (6) A person who operates a facility under subclause (5) must:
- (a) not permit the admission of spectators to the facility; and
Note: persons required to facilitate the activity at the swimming pool, including teachers, instructors, trainers, coaches and umpires, as well as parents and carers attending to support participation of a child or a person with disability, are permitted to attend the facility. General spectators are not permitted.
 - (b) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – limited to 20 members of the public

- (7) A person who owns, controls or operates a swimming pool at a non-residential premises in Victoria may permit members of the public to use the swimming pool if that person ensures that:
- (a) no more than the following number of members of the public are permitted at any one time:
 - (i) 20 in a swimming pool; and
 - (ii) in respect of the non-water parts of the pool facility, the number permitted by the density quotient; and
 - (b) no access is permitted to saunas and spas within the facility.

Records, signage and cleaning requirements

- (8) A person who operates a facility under subclause (7) must comply with:
- (a) the signage requirement for each indoor space and outdoor space; and
 - (b) the cleaning requirement; and
 - (c) the records requirement.

Permitted operations – non-residential swimming pools

- (9) A person who owns, controls or operates a swimming pool at a non-residential premises in Victoria may operate that facility if it is not open to the public.
- Note: subclause (9) is intended to permit facilities to operate that are not open to the public, such as schools, workplaces or onsite rehabilitation facilities.*

13 Animal facilities

- (1) A person who owns, controls or operates an **animal facility** in Victoria may operate that facility in accordance with these directions for the purposes of allowing members of the public to visit that facility during the restricted activity period.
- (2) An **animal facility** means the following:
- (a) a **zoological park**;
 - (b) a wildlife centre;
 - (c) a petting zoo;
 - (d) an aquarium;
 - (e) an animal farm that is not for the purpose of producing food.

- (3) A person who owns, controls or operates an animal facility may continue to operate the facility for the purposes of:
- (a) treating or caring for animals; or
 - (b) performing an animal rescue function; or
 - (c) maintaining the facility.

Permitted operations – limited groups

- (4) A person who owns, operates or controls an animal facility may operate that facility if that person:
- (a) limits the number of members of the public:
 - (i) for each indoor space to the lesser of:
 - (A) the number permitted by the density quotient; and
 - (B) 20; and
 - (ii) for each outdoor space, to the number permitted by the density quotient; and
 - (b) complies with:
 - (i) the signage requirement for each indoor space and outdoor space accessible to members of the public; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
 - (c) uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

14 Real estate auctions and inspections

- (1) An **estate agent** in Victoria may organise:
- (a) an auction to take place for the sale of a **residential property**, during the restricted activity period, only if that auction is to be attended in person by no more than 20 members of the public (excluding the owners or residents of the property and any person(s) reasonably required to facilitate the auction), whether or not other members of the public also attend remotely; or
 - (b) an inspection of a residential property during the restricted activity period for the purposes of a prospective sale or rental of the property, only if the estate agent does not permit more than 20 members of the public (excluding the owners or residents of the property and any person(s) reasonably required to facilitate the inspection) to enter the premises at any one time.
- (2) An estate agent that arranges an auction or inspection in accordance with subclause (1) during the restricted activity period must:
- (a) comply with the records requirement; and
 - (b) not permit the number of members of the public in an indoor space to exceed the number permitted by the density quotient.

15 Signage, cleaning and records requirements

Signage requirement (signage requirement)

- (1) A person who is required to comply with the signage requirement must during the restricted activity period display a sign at each public entry to each such space that includes a statement that the maximum number of members of the public that may be present in the space at a single time is the number permitted by the density quotient, rounded down to the nearest whole number.

Example: if an area is 8.5 metres long and 4.5 metres wide, its total space is 38.25 square metres. Its density quotient is 9.56. The sign should state that the maximum number of members of the public that may be present in the space at a single time is 9.

Cleaning requirement (cleaning requirement)

- (2) A person who is required to comply with the cleaning requirement must during the restricted activity period take all reasonable steps to ensure that:
- (a) frequently touched surfaces accessible to members of the public, including toilets and handrails, are cleaned at least twice on any given day; and
 - (b) surfaces are cleaned when visibly soiled; and
 - (c) if an event is to occur, a reasonable period of time has elapsed since the conclusion of any earlier event to allow for cleaning in between the events; and
 - (d) surfaces accessible to a particular group, including the surface of a restaurant table, are cleaned between groups; and
 - (e) surfaces are cleaned immediately after a spill on the surface.
- (3) To ensure a surface is **cleaned** for the purposes of this direction, a person must wipe the surface with a disinfectant:
- (a) the label of which states a claim by the manufacturer that the disinfectant has anti-viral properties; or
 - (b) made by a person according to instructions issued by the Department of Health and Human Services.

Records requirement (records requirement)

- (4) A person who is required to comply with the records requirement must request that each person who attends the facility or venue for longer than 15 minutes in the circumstances listed in the relevant clause provide:
- (a) their first name; and
 - (b) a contact phone number,
- and, if provided by the person, must keep a record of those details for 28 days, together with the following details:
- (c) the date and time at which the person attended the facility or venue; and
 - (d) if there are multiple indoor spaces, the indoor space(s) which the person visited.

Note: the records requirement applies to all persons that attend the facility or venue for longer than 15 minutes, which may include staff, customers, maintenance and delivery workers.

- (5) A person that obtains contact details in accordance with this clause must:
- (a) use reasonable endeavours to protect the personal information from use or disclosure other than as requested by an authorised officer under the PHW Act; and
 - (b) destroy the information as soon as **reasonably practicable** following 28 days after the visit, unless another statutory requirement permits or requires the personal information to be retained.

16 Employers to require employees work from home

An employer must not permit an employee to perform work at the employer's premises where it is reasonably practicable for the employee to work at the employee's place of residence or another suitable premises which is not the employer's premises.

*Note: clause 6(1) of the **Stay Safe Directions (No. 2)** permits a person to leave the premises where they ordinarily reside to attend work only if it is not reasonably practicable to work from their premises or another suitable premises which is not the employer's premises.*

17 Other definitions

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 11(2);
- (2) **alpine resort** means any of the following:
 - (a) Falls Creek Alpine Resort;
 - (b) Lake Mountain Alpine Resort;
 - (c) Mount Baw Baw Alpine Resort;
 - (d) Mount Buller Alpine Resort;
 - (e) Mount Hotham Alpine Resort;
 - (f) Mount Stirling Alpine Resort;
- (3) **animal facility** has the meaning in clause 13(2);
- (4) **beauty and personal care facility** means the following:
 - (a) a beauty therapy salon, tanning salon, waxing salon or nail salon;
 - (b) a wellness spa;
 - (c) a massage parlour; or
 - (d) a tattoo or piercing parlour;
- (5) **bingo centre** means a facility that:
 - (a) is operated by a bingo centre operator or community or charitable organisation under Chapter 8 of the **Gambling Regulation Act 2003**, that offers bingo or any similar game; or
 - (b) conducts bingo which is open to members of the public;
- (6) **bottleshop** means an area:
 - (a) that is physically attached to a licensed premises; and
 - (b) where packaged liquor is sold to be consumed off the premises;
- (7) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (8) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (9) **cleaned** has the meaning in clause 15(3);
- (10) **cleaning requirement** has the meaning in clause 15(2);
- (11) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (12) **community facility** has the meaning in clause 6A(2);
- (13) **community sport** means competitions and training sanctioned by a state sporting association or equivalent governing body;
- (14) **density quotient** has the meaning in clause 4;
- (15) **enclosed outdoor space** has the same meaning as in the **Stay Safe Directions (No. 2)**;
- (16) **entertainment facility** has the meaning in clause 7(2);
- (17) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (18) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (19) **food and drink facility** has the meaning in clause 10(2);
- (20) **food court** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (21) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (22) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (23) **hairdressing** has the same meaning as in the PHW Act;

- (24) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 6)**;
- (25) **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 open or closed;
- (26) **indoor zone** means a section of an indoor space that:
- (a) is of at least 200 square metres in area; and
 - (b) is designated by the person who owns, controls or operates the indoor space as being for the exclusive use of specified members of the public; and
 - (c) is delineated by landmarks or visible markings;
- (27) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (28) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (29) **licensed premises** has the meaning in clause 5(2);
- (30) **lucky envelope vending machine** has the same meaning as in section 8.1.2 of the **Gambling Regulation Act 2003**;
- (31) **member of the public** is a person but does not include:
- (a) a person who is an employee of an operator of the facility or venue; or
 - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (32) **non-contact**, in relation to an activity, a community sport or a physical recreation activity, means an activity, a community sport or a physical recreation activity that is reasonably capable of being done with participants maintaining a distance of 1.5 metres from each other;
- (33) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (34) **open retail facility** means a **retail facility** that is permitted to operate under these directions, and includes a restricted retail facility to the extent that it is permitted to operate;
- (35) **outdoor space** means a space that is not an indoor space;
- (36) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (37) **physical recreational facility** has the meaning in clause 6(2);
- (38) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (39) **play centre** means a premises, whether indoor or outdoor, that has play equipment to be used predominantly by children under the age of 12 years, but does not mean play equipment in a public park;
- (40) **premises** has the same meaning as in the PHW Act;
- (41) **reasonably practicable** is to have its ordinary and common sense meaning;
- (42) **records requirement** has the meaning in clause 15(4);
- (43) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No. 5)**;
- (44) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (45) **restricted activity period** has the meaning in clause 3A;
- (46) **restricted retail facility** has the meaning in clause 9(2);
- (47) **retail betting venue** means a premises, or part of a premises, operated by the **wagering and betting licensee**, the **keno licensee** or an agent of the wagering and betting licensee or keno licensee;

- (48) **retail facility** includes any facility that is used wholly or predominantly for:
- (a) the sale or hire of goods by retail; or
 - (b) the retail provision of services;
- (49) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (50) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (51) **sexually explicit entertainment venue** means a venue at which sexually explicit entertainment is provided;
- (52) **signage requirement** has the meaning in clause 15(1);
- (53) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (54) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

18 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.
- Penalty: In the case of a natural person, 120 penalty units;
In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

Dated 21 June 2020

DR ANNALIESE VAN DIEMEN
Deputy Chief Health Officer (Communicable Disease),
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the PHW Act.

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