



Victoria Government Gazette

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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);
- 31 May 2020 (effective at 11:59:00 pm on 31 May 2020);
- 21 June 2020 (effective at 11:59:00 pm on 21 June 2020); and
- 19 July 2020 (effective at 11:50:00 pm on 19 July 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 16 August 2020 and remains in force until 11:59:00 pm on 13 September 2020.

Dated 16 August 2020

JENNY MIKAKOS MP
Minister for Health

SPECIAL

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**

Area Directions (No. 7)

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and 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 address the serious public health risk posed to Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions identify areas within Victoria which have a higher prevalence of, or risk of exposure to, 2019-nCoV and which are subject to specific directions which are reasonably necessary to protect public health.
- (3) These directions must be read together with the **Directions currently in force**.

2 Citation

These directions may be referred to as the **Area Directions (No. 7)**.

3 Commencement and revocation

- (1) These directions apply beginning at 11:59:00 pm on 16 August 2020 and ending at 11:59:00 pm on 13 September 2020.
- (2) The **Area Directions (No. 6)** are revoked at 11:59:00 pm on 16 August 2020.

4 Restricted Area

For the purposes of the Directions currently in force, the **Restricted Area** means the aggregate area consisting of the **municipal districts**, suburbs, localities and addresses within **greater Melbourne**.

5 Addition or exclusion power

- (1) The Chief Health Officer or Deputy Chief Health Officer may add to or exclude from the Restricted Area any municipal district, suburb, locality, address or other identified area, if satisfied that such an addition or exclusion 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.
- (2) An addition or exclusion under subclause (1) must:
 - (a) be in writing and published on the website of the Department of Health and Human Services; and
 - (b) specify the relevant municipal district, suburb, locality, address or other identified area with sufficient particularity.
- (3) An addition or exclusion under subclause (1) does not prevent an **authorised officer** from exercising an emergency power to give a person a different direction or impose a different requirement on the person.

6 Relationship with other directions

- (1) If there is any inconsistency between any Directions currently in force (or a provision of such a direction) that applies generally to the State of Victoria and an equivalent Direction currently in force (or a provision of such a direction) that applies specifically to the Restricted Area, then the direction that applies to the Restricted Area prevails 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) Unless the context otherwise requires, a reference in any other Directions currently in force or any Direction and Detention Notice to:
 - (a) a Direction currently in force, or a defined term in a Direction currently in force, will be taken to mean that direction (and hence that defined term) as amended or replaced from time to time; or
 - (b) an earlier version of a particular Direction currently in force will be taken to be a reference to the current version of that particular direction.

7 Definitions

In these directions:

- (1) **authorised officer** has the same meaning as in the PHW Act;
- (2) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (3) **Directions currently in force** means the **Restricted Activity Directions (Restricted Areas) (No. 8)**, the **Restricted Activity Directions (Non-Melbourne) (No. 3)**, the **Stay at Home Directions (Restricted Areas) (No. 12)**, the **Stay at Home Directions (Non-Melbourne) (No. 3)**, the **Diagnosed Persons and Close Contacts Directions (No. 10)**, the **Hospital Visitor Directions (No. 10)**, the **Care Facilities Directions (No. 10)**, the **Workplace Directions (No. 3)**, the **Workplace (Additional Industry Obligations) Directions (No. 4)** and the **Permitted Worker Permit Scheme Directions (No. 4)**, each as amended or replaced from time to time;
- (4) **greater Melbourne** means the **municipal districts** under the local government of:
 - (a) Banyule City Council;
 - (b) Bayside City Council;
 - (c) Boroondara City Council;
 - (d) Brimbank City Council;
 - (e) Cardinia Shire Council;
 - (f) Casey City Council;
 - (g) Darebin City Council;
 - (h) Frankston City Council;
 - (i) Glen Eira City Council;
 - (j) Greater Dandenong City Council;
 - (k) Hobsons Bay City Council;
 - (l) Hume City Council;
 - (m) Kingston City Council;
 - (n) Knox City Council;
 - (o) Manningham City Council;
 - (p) Maribyrnong City Council;
 - (q) Maroondah City Council;
 - (r) Melbourne City Council;
 - (s) Melton City Council;
 - (t) Monash City Council;
 - (u) Moonee Valley City Council;

- (v) Moreland City Council;
 - (w) Mornington Peninsula Shire Council;
 - (x) Nillumbik Shire Council;
 - (y) Port Phillip City Council;
 - (z) Stonnington City Council;
 - (aa) Whitehorse City Council;
 - (bb) Whittlesea City Council;
 - (cc) Wyndham City Council;
 - (dd) Yarra City Council; and
 - (ee) Yarra Ranges Shire Council;
- (5) **municipal district** has the same meaning as in the **Local Government Act 1989**;
- (6) **Restricted Area** has the meaning in clause 4.

8 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 16 August 2020

DR FINN ROMANES
Public Health Commander,
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 PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY

Restricted Activity Directions (Restricted Areas) (No. 8)

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and 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 the **Restricted Area** in order to limit the spread of Novel Coronavirus 2019 (2019-nCoV).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Restricted Activity Directions (Restricted Areas) (No. 7)** restricting activities in areas of Victoria, and provide clarification regarding activities of child-minding and childcare.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Restricted Areas) (No. 8)**.

3 Revocation

The **Restricted Activity Directions (Restricted Areas) (No. 7)** are revoked at 11:59:00 pm on 16 August 2020.

4 Restricted activity period

The **restricted activity period** is the period beginning at 11:59:00 pm on 16 August 2020 and ending at 11:59:00 pm on 13 September 2020.

5 Permitted Work Premises

- (1) A person who owns, controls or operates a **Permitted Work Premises** in the Restricted Area may operate that **premises** during the restricted activity period to the extent permitted by the Directions currently in force.

*Note: the restrictions on Permitted Work Premises include the relevant restrictions listed in the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government, the **Permitted Worker Permit Scheme Directions (No. 4)**, the **Workplace (Additional Industry Obligations) Directions (No. 4)** and the **Workplace Directions (No. 3)** which include requirements for **Work Premises** including record keeping, density quotient, signage and cleaning requirements.*

- (2) Despite subclause (1), a person who owns, controls or operates a Permitted Work Premises in the Restricted Area may operate that premises:
 - (a) for the purpose of **essential maintenance**; or
 - (b) for the purposes of recruitment, where it is not reasonably practicable for that recruitment to occur from the place where those involved in the recruitment ordinarily reside; or

Example: Victoria Police may permit applicants for employment to attend examinations, fitness assessments and other medical and psychological screening where these activities cannot be undertaken from home.

 - (c) by permitting employees to work from the place where they ordinarily reside; or
 - (d) as required or authorised by law; or
 - (e) in an emergency; or
 - (f) as otherwise permitted by the Directions currently in force.

- (3) If a Work Premises includes multiple functions and some of those functions are not **Permitted Services** or are functions which are prohibited under these directions or any other Directions currently in force, then only those functions which are not prohibited may be undertaken.

*Note: Permitted Services should be undertaken in accordance with the **Permitted Worker Permit Scheme Directions (No. 4)**.*

Example: a book publishing business may operate the warehouse to deliver goods to consumers.

- (4) Where there is any inconsistency between the general obligations and the specific obligations set out in the Directions currently in force, the specific obligations will prevail.

6 Closed Work Premises

- (1) A person who owns, controls or operates a **Closed Work Premises** in the Restricted Area must not permit persons to attend that premises during the restricted activity period.
- (2) Despite subclause (1), a person who owns, controls or operates a Closed Work Premises in the Restricted Area may permit persons to attend that premises or operate the premises:
- for the purpose of essential maintenance; or
 - to ensure that the premises is closed safely for the duration of the restricted activity period; or
 - by permitting employees to work from the place where they ordinarily reside to operate the premises; or
 - as required or authorised by law; or
 - in an emergency; or
 - as otherwise permitted by these Directions.

7 Exceptions

Permitted operations – professional sport

- (1) A person who owns, controls or operates a **physical recreational facility** in the Restricted Area may operate that facility if it is operated for the exclusive use of training for professional and high-performance sports persons only.
- (2) A person who operates a facility under subclause (1) must:
- only permit a person to attend the facility who is necessary for the management of the facility or professional sport training; 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.
 - not permit a **food and drink facility** to operate at the facility, other than to the extent necessary to provide food and drink to persons permitted to attend the facility under subclause 2(a).
- (3) A person who operates a facility under subclause (1) 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 – Educational facilities

- (4) A person who owns, controls or operates a **school** or educational facility in the Restricted Area may only operate that facility during the restricted activity period in accordance with these directions.
- (5) A person who owns, controls or operates a school or educational facility in the Restricted Area may operate that facility for the purposes of providing services to the following persons:

- (a) for school educational services (including at a school or non-school senior secondary provider and outside school hours care services):
 - (i) a person who is required to undertake essential Victorian Certificate of Education (VCE) or Victorian Certificate of Applied Learning (VCAL) assessments at a school or another educational facility or institution and it is not reasonably practicable for those assessments to be undertaken from the premises where the person ordinarily resides; or
 - (ii) a person whose parents or guardians ordinarily reside in:
 - (A) the **Relevant Area** and are unable to work from the premises where they ordinarily reside; or
 - (B) the **Relevant Area** and are a **permitted higher education student**, where it is not reasonably practicable for the person to obtain the **higher education services** from the premises where they ordinarily reside; or
 - (C) the **Restricted Area** and are a **permitted worker**; or
 - (D) the **Restricted Area** and are a permitted higher education student, where it is not reasonably practicable for the person to obtain the higher education services from the premises where they ordinarily reside; or
- Note: If a child or young person is residing with one or more parents or guardians (including stepparents) on the relevant day, all parents or guardians must not be able to work or study from home.*
- (iii) a **vulnerable child or young person in a school**; or
 - (b) for higher education services if they are a permitted higher education student, where it is not reasonably practicable for the person to obtain the higher education services from the premises where they ordinarily reside.

Permitted operations – Childcare facilities

- (6) A person who owns, controls or operates a **childcare facility** in the **Restricted Area** may only operate that facility during the restricted activity period in accordance with these directions.
- (7) A person who owns, controls or operates a childcare facility in the **Restricted Area** may operate that facility for the purposes of providing services, to a parent or guardian from:
 - (a) the **Relevant Area**; or
 - (b) the **Restricted Area**, where they are the parent or guardian of a person who is a **vulnerable child or young person in a childcare or early childhood service**; or
 - (c) the **Restricted Area**, for the purposes of work if the parent or guardian is:
 - (i) a permitted worker; or
 - (ii) providing a Permitted Service; or
 - (iii) a person who has received an Access to Onsite Childcare/Kindergarten Permit, or is permitted to access onsite childcare or kindergarten services without an Access to Onsite Childcare/Kindergarten Permit, under the **Permitted Worker Permit Scheme Directions (No. 4)**; or
 - (d) the **Restricted Area**, for the purposes of study if the parent or guardian is a permitted higher education student, provided there is no appropriate alternative care available;

Note: only one of the parents or guardians of the child is required to be someone providing a permitted service, be a permitted worker, be a permitted higher education student, or someone who has received an Access to Onsite Childcare/Kindergarten Permit (or be permitted to access onsite childcare or kindergarten services without one).

8 Relationship with other directions

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.

9 Other definitions

For the purposes of these directions:

- (1) **childcare facility** means a facility providing a **childcare or early childhood service**;
- (2) **childcare or early childhood service** means onsite early childhood education and care services or children's service provided under the:
 - (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations** including long day care services, kindergarten/preschool and family day care services, but not including outside school hours care services; and
 - (b) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (3) **Closed Work Premises** means a Work Premises that is not a Permitted Work Premises;
- (4) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (5) **Directions currently in force** has the same meaning as in the **Area Directions (No. 7)**;
- (6) **essential maintenance** means:
 - (a) treating or caring for animals or performing an animal rescue function; or
 - (b) critical maintenance and safety works including to satisfy environmental obligations;
- (7) **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;
- (8) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training;
- (9) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (10) **permitted higher education student** means a student accessing higher education services which are permitted to be delivered onsite as set out in the 'Education and Training' section of the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;

- (11) **Permitted Services** means the services of the Permitted Work Premises as set out in the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (12) **Permitted Work Premises** means the Work Premises described as ‘PERMITTED WORK PREMISES’ in the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (13) **permitted worker** means a person who received a Permitted Worker Permit or is permitted to work without a Permitted Worker Permit, under the **Permitted Worker Permit Scheme Directions (No. 4)**;
- (14) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 4)**;
- (15) **physical recreational facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a facility used predominantly for indoor physical recreation or sport;
Examples: gymnasium, health club, fitness centre, yoga studio, barre and spin facility, indoor 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, basketball centre, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, outdoor swimming or water skiing.
 - (c) a **personal training facility**;
 - (d) a skatepark;
 - (e) an outdoor communal gym equipment;
 - (f) a trampolining centre;
 - (g) an arena;
 - (h) a stadium;
 - (i) a swimming pool at a non-residential premises;
- (16) **premises** has the same meaning as in the PHW Act;
- (17) **Relevant Area** means the area of Victoria outside the Restricted Area;
- (18) **restricted activity period** has the meaning in clause 4;
- (19) **Restricted Area** has the same meaning as in the **Area Directions (No. 7)**;
- (20) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (21) **vulnerable child or young person in a childcare or early childhood service** means a child or young person who:
- (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) identified by a childcare or early childhood service as vulnerable, including where the vulnerability is the result of severe family stress (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service);
- (22) **vulnerable child or young person in a school** means a child or young person who:
- (a) resides in the care of the State or in out-of-home care; or

- (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) identified by a school as vulnerable, (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service);
 - (d) has a disability and the family is experiencing severe stress;
- (23) **Work Premises** means the premises of an employer in which work is undertaken, including any vehicle whilst being used for work purposes.

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 16 August 2020

DR FINN ROMANES
Public Health Commander,
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 PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY

Restricted Activity Directions (Non-Melbourne) (No. 3)

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and 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 Victoria in the **Relevant Area** to address the serious public health risk posed to Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) For the purposes of these directions, the Relevant Area means the area of Victoria outside the **Restricted Area**. More specific directions apply to those businesses in the Restricted Area.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions replace the **Restricted Activity Directions (Non-Melbourne) (No. 2)** restricting activities in areas of Victoria, and provide clarification regarding activities of child-minding and childcare.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Non-Melbourne) (No. 3)**.

3 Revocation

The **Restricted Activity Directions (Non-Melbourne) (No. 2)** are revoked at 11:59:00 pm on 16 August 2020.

4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00 pm on 16 August 2020 and ending at 11:59:00 pm on 13 September 2020.

5 Pubs, bars, clubs, nightclubs and hotels

- (1) A person who owns, controls or operates a **licensed premises** in the Relevant Area must not operate that **premises** during the restricted activity period.
- (2) A **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer's licence** or a **club licence**.
- (3) Despite subclause (1), a person who owns, controls or operates a licensed premises in the Relevant Area may operate that premises for the purposes of:
 - (a) operating a **bottleshop**; or
 - (b) providing food or drink to be consumed off the premises; or
 - (c) providing accommodation in accordance with clause 11.

6 Physical recreational facilities

- (1) A person who owns, controls or operates a **physical recreational facility** in the Relevant Area must not operate that facility during the restricted activity period.
- (2) A **physical recreational facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a facility used predominantly for indoor physical recreation or sport;

Examples: gymnasium, health club, fitness centre, yoga studio, barre and spin facility, indoor 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, basketball centre, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, outdoor swimming or water skiing.
- (c) a **personal training facility**;
- (d) a **play centre** or publicly accessible playground;
- (e) a skatepark;
- (f) outdoor communal gym equipment;
- (g) a trampolining centre.

Permitted operations – outdoor activities

- (3) Despite subclause (1), a person who owns, controls or operates a facility under subclause (2)(b) (outdoor sport or physical recreation facility) or (2)(c) (personal training facility) in the Relevant Area may operate that facility if:
 - (a) its services are provided in an **outdoor space**; and
 - (b) the number of **members of the public** to whom its services are provided is:
 - (i) not more than 2 in any group; or
 - (ii) more than 2 in a group, if all persons have the same ordinary place of residence; and
 - (iii) not more than 10 in total at the facility at any one time, except where a distance of at least 100 metres between groups can be maintained at all times; and

Example: at a golf course, there may be more than 5 groups of 2 people, so long as a distance of at least 100 metres between all groups can be maintained at all times.
 - (c) the space available is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
 - (d) the person complies with the **records requirement**; and
 - (e) no equipment is made available by the facility for hire, or for communal or shared use.

Note: community sport cannot take place in Victoria regardless of whether it is in or outside the Relevant Area.

- (4) Despite subclause (3), a person who owns, controls or operates a facility under subclause (2)(b) (outdoor sport or physical recreation facility) may operate that facility for the purposes of outdoor sport or physical recreation, but must not permit use of the indoor facilities, other than toilet facilities.

Examples: a golf or tennis club may operate to permit outside golf or tennis, although club rooms, indoor sitting areas, change facilities and showers are to remain closed.

Permitted operations – professional sport

- (5) Despite subclauses (1) and (3), a person who owns, controls or operates a physical recreational facility in the Relevant Area may operate that facility if it is operated for the exclusive use of training for professional and high-performance sports persons only 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.

6A Community facilities

- (1) A person who owns, controls or operates a **community facility** in the Relevant Area may operate that facility during the restricted activity period only for the purpose of:
 - (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 an essential support group; or
Examples: for alcohol and drugs, family violence and parenting.
 - (c) hosting a wedding or funeral in accordance with subclause (4); or
 - (d) providing an exclusive venue for a single **school** or outside school hours care services at any one time for educational purposes; or
Note: this subclause is intended only to allow the students that are permitted to attend school to use these facilities.
 - (e) a library (including a toy library) to the extent necessary to facilitate collection and return of books or toys or home delivery.
- (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 – essential support groups

- (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 essential 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 at Home Directions (Non-Melbourne) (No. 3)**; 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.

Permitted operations – broadcast

- (5) Despite subclause (1), a person who owns, controls or operates a community facility in the Relevant Area 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.
- (6) If a performance is held at a facility for the purposes of subclause (5), the only persons permitted to attend the facility are those necessary for the performance and the broadcasting of that performance to occur.

7 Entertainment facilities

- (1) A person who owns, controls or operates an **entertainment facility** in the Relevant Area 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;
 - (d) a gallery or a museum;
 - (e) an arena, stadium or convention centre;
 - (f) an arcade;
 - (g) an amusement park;
 - (h) 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;
 - (i) a **retail betting venue**;
 - (j) a **gaming machine area**;
 - (k) a **brothel, sex on premises venue** or **sexually explicit entertainment venue**;
 - (l) a **bingo centre**;
 - (m) an escape room.

Permitted operations – broadcast

- (3) Despite subclause (1), a person who owns, controls or operates an entertainment facility in the Relevant Area 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.
- (4) If a performance is held at a facility for the purposes of subclause (3), the only persons permitted to attend the facility are those necessary for the performance and the broadcasting of that performance to occur.

Permitted operations – professional sport

- (5) Despite subclause (1), a person who owns, controls or operates an arena or stadium in the Relevant Area may operate that facility for the purpose of:
 - (a) providing an exclusive training venue for training for professional and high-performance sports persons only at any one time; or
Note: physical recreational facilities located at an arena or stadium must comply with the requirements in clause 6(5) and (6).
 - (b) providing a venue for a professional sporting event.
- (6) A person who operates a facility under subclause (5) 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 in accordance with clause 10 and to the extent necessary to provide food and drink to persons permitted to attend the arena or stadium under subclause 6(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.

8 Places of worship

- (1) A person who owns, controls or operates a **place of worship** in the Relevant Area must not operate that place of worship during the restricted activity period.

Permitted operations

- (2) Despite subclause (1), a person who owns, controls or operates a place of worship in the Relevant Area may operate that place of worship during the restricted activity period for the purpose of:
 - (a) hosting a wedding or funeral, if that wedding or funeral complies with the requirements of the **Stay at Home Directions (Non-Melbourne) (No. 3)**; or
*Note: the **Stay at Home Directions (Non-Melbourne) (No. 3)** limit the number of people who may attend a wedding at non-residential premises located in the Relevant Area to 5 people (inclusive of the marrying couple, 2 witnesses and the celebrant) and a funeral at non-residential premises located in the Relevant Area to 10 people plus those required to conduct the funeral.*
 - (b) hosting an essential public service (whether that service is provided on a voluntary basis or otherwise); or
Examples: a food bank or service for homeless persons.
 - (c) hosting an essential support group; or
Examples: for alcohol and drugs, family violence, and parenting.
 - (d) conducting a ceremony at the place of worship, if that ceremony is to be broadcast (live or otherwise) via electronic means.
- (3) A person who operates a place of worship under subclause (2)(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.
- (4) If a ceremony is held at a place of worship for the purposes of subclause (2)(d), the only persons permitted to attend the place of worship are those necessary for the ceremony and the broadcasting of that ceremony to occur, up to a maximum of 5 people.
- (5) A person who owns, operates or controls a place of worship under subclause (2) 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; and
 - (b) the cleaning requirement; and
 - (c) the records requirement, except in relation to essential support groups if confidentiality is typically required.

9 Restricted retail facilities

- (1) A person who owns, controls or operates an **open retail facility**, including a **restricted retail facility**, in the Relevant Area may only operate that facility during the restricted activity period 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;
 - (d) a **market** stall, whether indoor or outdoor.

Beauty and personal care facility

- (3) A person who owns, controls or operates a beauty and personal care facility in the Relevant Area must not operate that beauty and personal care facility.

Permitted operations – hairdressers

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

Permitted operations – auction houses

- (5) A person who owns, controls or operates an auction house in the Relevant Area may operate that auction house for the purpose of conducting an auction to be attended remotely by members of the public.

Permitted operations – market stalls

- (6) A person who owns, controls or operates a market stall (whether indoor or outdoor) in the Relevant Area may only operate that stall if its predominant business is the provision of food and drink for consumption off the premises of the market.

Note: a market is only permitted to consist of market stalls that provide food and drink for consumption off the premises of the market permitted to operate in accordance with subclause (7).

Restrictions – requirements for market stalls, markets and retail shopping centres

- (7) A person who owns, operates or controls a market stall, market or **retail shopping centre** in the Relevant Area during the restricted activity period must:
- (a) limit the number of members of the public permitted by the density quotient as it applies respectively to the market stall, market or the retail shopping centre; and
 - (b) comply with the cleaning requirement respectively for the market stall, market or the **common areas** of the retail shopping centre; 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.

Restrictions – requirements for other open retail facilities

- (8) A person who owns, operates or controls an open retail facility that is not a market stall, market or retail shopping centre in the Relevant Area 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 the Relevant Area must not operate that facility during the restricted activity period.
- (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.

Permitted operations

- (3) Despite subclause (1), a person who owns, controls or operates a food and drink facility in the Relevant Area may operate that facility:
- (a) for the purposes of providing food or drink to be consumed off the premises; or
Note: this paragraph permits both delivery and collection of takeaway food and drink.
 - (b) if the food and drink facility is located inside a **food court**, for the purpose of providing food or drink to be consumed outside a food court; 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 Visitor Directions (No. 10)** 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 facility** 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.
- (4) A person who owns, operates or controls a food or drink facility that is permitted to operate under subclause (3)(c)(vi) must use reasonable endeavours to ensure that a person does not remain in the dedicated area that is provided for the purposes of food and drink for longer than one hour at a time.

11 Accommodation facilities

- (1) A person who owns, controls or operates an **accommodation facility** in the Relevant Area must not operate that facility 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 Bed and Breakfast;
 - (f) a private holiday rental facility, including AirBnBs;
 - (g) a motel;
 - (h) a serviced apartment.

Permitted operations

- (3) Despite subclause (1), a person who owns, controls or operates an accommodation facility in the Relevant Area may operate that facility for the purposes of providing accommodation:
- (a) to a person whose place of residence is the accommodation facility; or
 - (b) to a person who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria; or

- (c) to a person who has a permanent place of residence in Victoria, but that place is temporarily unavailable; or
- (d) to a person, on a temporary basis, for work purposes; or
- (e) to a person who was a temporary guest of the accommodation facility on the date that these directions were given; or
- (f) to a person who requires emergency accommodation, including in relation to family violence and other vulnerable groups; or
- (g) to a person who requires accommodation for work purposes, where their work is for the purposes of responding to the state of emergency in existence under the PHW Act; or
- (h) to a person who is subject to a **Direction and Detention Notice** or the **Diagnosed Persons and Close Contacts Directions (No. 10)**; or
- (i) as an exclusive venue for a single school at any one time for educational purposes.

12 Swimming pools

- (1) A person who owns, controls or operates premises in the Relevant Area at which there is a swimming pool may 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 in the Relevant Area if 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 the Relevant Area may permit a person to use a swimming pool and facilities if the pool is only available for the exclusive use of training for professional and high-performance sports persons only 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.

13 Animal facilities

- (1) A person who owns, controls or operates an **animal facility** in the Relevant Area must not operate that facility 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 being operated for the purpose of producing food.
- (3) Despite subclause (1), a person who owns, controls or operates an animal facility in the Relevant Area 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.

14 Real estate auctions and inspections

An **estate agent** must not organise:

- (1) any auction to take place for the sale of **real estate** in the Relevant Area during the restricted activity period, unless that auction is to be conducted remotely; or
- (2) an inspection by members of the public of real estate in the Relevant Area during the restricted activity period for the purposes of a prospective sale or rental of the property, other than by private appointment, such private appointment to comply with the restrictions on public gatherings in the **Stay at Home Directions (Non-Melbourne) (No. 3)**.

15 Education and childcare facilities

Educational facilities

- (1) A person who owns, controls or operates a school or educational facility in the Relevant Area may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A person who owns, controls or operates a school or educational facility in the Relevant Area may operate that facility for the purposes of providing services to the following persons:
 - (a) for school educational services (including at a school or non-school senior secondary provider) and outside school hours care services:
 - (i) a person who is required to undertake essential Victorian Certificate of Education (VCE) or Victorian Certificate of Applied Learning (VCAL) assessments at a school or another educational facility or institution and it is not reasonably practicable for those assessments to be undertaken from the premises where the person ordinarily resides; or
 - (ii) a person whose parents or guardians ordinarily reside in:
 - (A) the Relevant Area and are unable to work from the premises where they ordinarily reside; or
 - (B) the Relevant Area and are unable to obtain **higher education services** from the premises where the person ordinarily resides; or
 - (C) the Restricted Area and are a **permitted worker**; or
 - (D) the Restricted Area and are obtaining the higher education services permitted to be delivered on site as set out in the 'Education and Training' section of the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government, where it is not reasonably practicable for the person to obtain the higher education services from the premises where the person ordinarily resides;
 - (b) for higher education services if they are a person in:
 - (i) the Relevant Area and it is not reasonably practicable to obtain the higher education services from the premises where they ordinarily reside; or

Note: If a child or young person is residing with one or more parents or guardians (including stepparents) on the relevant day, all parents or guardians must not be able to work or study from home.

- (ii) the Restricted Area and the higher education services are permitted to be delivered on site as set out in the ‘Education and Training’ section of the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government, and it is not reasonably practicable to obtain higher education services from the premises where the person ordinarily resides.

Childcare facilities

- (3) A person who owns, controls or operates a childcare facility in the Relevant Area may only operate that facility during the restricted activity period in accordance with these directions.
- (4) A person who owns, controls or operates a childcare facility in the Relevant Area may operate that facility for the purposes of providing services to a person whose parents or guardians ordinarily reside in:
 - (a) the Relevant Area; or
 - (b) the Restricted Area, and the person is a **vulnerable child or young person in a childcare or early childhood service**; or
 - (c) the Restricted Area, so that the parent or guardian can:
 - (i) work if the parent or guardian is:
 - (A) a permitted worker; or
 - (B) providing a Permitted Service; or
 - (C) a person who has received an Access to Onsite Childcare/Kindergarten Permit, or is permitted to access onsite childcare or kindergarten services without an Access to Onsite Childcare/Kindergarten Permit, under the **Permitted Worker Permit Scheme Directions (No. 4)**; or
 - (ii) study if the parent or guardian is a **permitted higher education student**,
provided there is no appropriate alternative care available;

16 Alpine resorts

A person who owns, controls or operates a facility in an **alpine resort** must not operate that facility for the purposes of allowing members of the public to visit that facility during the restricted activity period.

Note: clause 16 applies to facilities such as accommodation facilities, food and drink facilities and retail facilities in alpine resorts.

16A Relationship with other directions

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.

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 as defined in the **Alpine Resorts (Management) Act 1997**:
 - (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) **Area Directions (No. 7)** means the directions issued by the Public Health Commander, setting out Restricted Areas;
- (5) **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;
 - (d) a tattoo or piercing parlour;
- (6) **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;
- (7) **bottleshop** means an area:
 - (a) that is physically attached to a licensed premises, as defined in clause 5(2); and
 - (b) where packaged alcohol is sold to be consumed off the premises;
- (8) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (9) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (10) **childcare facility** means a facility providing a **childcare or early childhood service**;
- (11) **childcare or early childhood service** means onsite early childhood education and care services or children's service provided under the:
 - (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations** including long day care services, kindergarten/preschool and family day care services but not including outside school hours care services; and
 - (b) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (12) **cleaning requirement** has the same meaning as in the **Workplace Directions (No. 3)**;
- (13) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (14) **common areas** of a retail shopping centre has the same meaning as in the **Retail Leases Act 2003**;
- (15) **community facility** has the meaning in clause 6A(2);
- (16) **density quotient** limits the number of 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 outdoor space, market or retail shopping centre, 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.

- (17) **Direction and Detention Notice** has the same meaning as in the **Stay at Home Directions (Restricted Areas) (No. 12)**;
- (18) **Directions currently in force** has the same meaning as in the **Area Directions (No. 7)**;
- (19) **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;
- (20) **entertainment facility** has the meaning in clause 7(2);
- (21) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (22) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (23) **food and drink facility** has the meaning in clause 10(2);
- (24) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (25) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (26) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (27) **hairdressing** has the same meaning as in the PHW Act;
- (28) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training;
- (29) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 10)**;
- (30) **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;
- (31) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (32) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (33) **licensed premises** has the meaning in clause 5(2);
- (34) **market** means a public market, whether indoor or outdoor, including a food market;
- (35) **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;
- (36) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (37) **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;
- (38) **outdoor space** means a space that is not an indoor space;
- (39) **permitted higher education student** means a student accessing higher education services which are permitted to be delivered onsite as set out in the 'Education and Training' section of the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;

- (40) **Permitted Services** means the services of the **Permitted Work Premises** as set out in the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (41) **Permitted Work Premises** means the **Work Premises** described as ‘PERMITTED WORK PREMISES’ set out in the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (42) **permitted worker** means someone who received a **Permitted Worker Permit**, or is permitted to work without a Permitted Worker Permit, under the **Permitted Worker Permit Scheme Directions (No. 4)**;
- (43) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 4)**;
- (44) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (45) **physical recreational facility** has the meaning in clause 6(2);
- (46) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (47) **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;
- (48) **premises** has the same meaning as in the PHW Act;
- (49) **producer’s licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (50) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (51) **records requirement** has the same meaning as in the **Workplace Directions (No. 3)**;
- (52) **Relevant Area** means the area of Victoria outside the Restricted Area;
- (53) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No. 10)**;
- (54) **restricted activity period** has the meaning in clause 4;
- (55) **Restricted Area** has the same meaning as in the **Area Directions (No. 7)**;
- (56) **restricted retail facility** has the meaning in clause 9(2);
- (57) **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;
- (58) **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;
- (59) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (60) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (61) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (62) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (63) **sexually explicit entertainment venue** means a venue at which **sexually explicit entertainment** is provided;
- (64) **signage requirement** has the same meaning as in the **Workplace Directions (No. 3)**;

- (65) **vehicle** has the same meaning as in the PHW Act;
- (66) **vulnerable child or young person** means a child or young person who:
- (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) identified by a **school** as vulnerable, (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service);
 - (d) has a disability;
- (67) **vulnerable child or young person in a childcare or early childhood service** means a child or young person who:
- (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) identified by a childcare or early childhood service as vulnerable, (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service);
- (68) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (69) **Work Premises** means the premises of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (70) **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 16 August 2020

DR FINN ROMANES
Public Health Commander,
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 PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Stay at Home Directions (Restricted Areas) (No. 12)**

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and 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 who ordinarily resides in the **Restricted Area** to limit their interactions with others by:
 - (a) restricting the circumstances in which they may leave the **premises** where they ordinarily reside and the **Restricted Area**; and
 - (b) placing restrictions on gatherings, including prohibiting private gatherings (no visitors to another person's home other than in very limited circumstances).
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions replace the **Stay at Home Directions (Restricted Areas) (No. 11)** and provide clarification regarding child-minding and childcare for **permitted workers**.

2 Citation

These directions may be referred to as the **Stay at Home Directions (Restricted Areas) (No. 12)**.

3 Revocation

The **Stay at Home Directions (Restricted Areas) (No. 11)** are revoked at 11:59:00 pm on 16 August 2020.

4 Stay at home period

For the purposes of these directions, the **stay at home period** is the period beginning at 11:59:00 pm on 16 August 2020 and ending at 11:59:00 pm on 13 September 2020.

PART 2 – STAY AT HOME**5 Direction – stay at home other than in specified circumstances***Requirement to stay at home*

- (1) A person who ordinarily resides in the **Restricted Area** during the **stay at home period** must not leave the premises where the person ordinarily resides, other than for one or more of the reasons specified in:
 - (a) clause 6 (**necessary goods or services**);
 - (b) clause 7 (**care or other compassionate reasons**);
 - (c) clause 8 (**work or education**);
 - (d) clause 9 (**exercise**);
 - (e) clause 10 (**other specified reasons**).

Note 1: a person may have more than one ordinary place of residence but is only permitted to move between those places in accordance with subclause (1D).

Note 2: when leaving home in accordance with law a person must take all reasonable steps to comply with the obligations in these and all other Directions currently in force.

Travel restrictions

(1A) A person may only leave their premises under subclause (1) where it does not involve unreasonable travel or travelling to a place for an unreasonable period of time.

Note: travelling to an area outside the Restricted Area for exercise is prohibited under these directions.

(1AA) A person must not travel in a **vehicle** with another person with whom they do not ordinarily reside unless it is not otherwise reasonably practicable for either person to leave their premises for a purpose permitted under these directions.

Example: a person who does not hold a driver's licence may travel in a vehicle with another person with whom they do not ordinarily reside for the purposes of attending a medical appointment or doing their grocery shopping if it is not reasonably practicable for them to get there another way.

(1AB) A person who leaves their premises under either subclause (1)(a) (necessary goods or services) or (d) (exercise) must not:

- (a) travel further than 5 km from their premises; or
- (b) do so more than once per day.

Note: a person may leave their premises once per day under subclause (1)(a) and separately once per day under subclause (1)(d), but should seek to minimise separate trips as much as possible.

(1AC) Where a person leaves their premises under subclause (1)(a) (necessary goods or services):

- (a) subclause (1AB)(b) does not apply if the person leaves the premises to obtain goods or services provided by a:
 - (i) financial institution under clause 6(1)(c)(i); or
 - (ii) government body or government agency under clause 6(1)(c)(ii); and
- (b) subclause (1AB) does not apply if:
 - (i) the person leaves the premises to obtain goods and services for health or medical purposes under clause 6(1)(b); or
 - (ii) as a consequence of those requirements, it is not reasonably practicable for the person to obtain necessary goods and services.

Note 1: if the closest necessary goods or services are more than 5 km from a person's ordinary place of residence, then it would not be reasonably practicable for that person to obtain goods and services within the travel limits imposed by subclause (1AB).

Note 2: where this subclause (1AC) applies, the person must not travel any further than is reasonably necessary to obtain necessary goods or services.

(1AD) Only one person from a given residence per day may leave the premises under subclause (1)(a) (necessary goods or services), except where:

- (a) the person leaves the premises to obtain goods and services:
 - (i) for health or medical purposes under clause 6(1)(b); or
 - (ii) provided by a:
 - (A) financial institution under clause 6(1)(c)(i); or
 - (B) government body or government agency under clause 6(1)(c)(ii);
 or
- (b) the person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can leave the premises without the child; or
- (c) it is necessary for the person to provide, or the person requires, care and support due to:
 - (i) age, infirmity, disability, illness or a chronic health condition; or
 - (ii) matters relating to the other person's health (including mental health or pregnancy).

(1AE) Where a person leaves the premises under subclause (1)(d) (exercise), the person must not:

- (a) leave their premises for a period longer than 1 hour; or
- (b) use a vehicle, except where it is not reasonably practicable for the person to undertake exercise without using a vehicle.

Note: if a person needs to access an area within 5 km of their premises for exercise, but can only do so due to mobility (such as a parent with a small child or a person with disability) or safety reasons (such as needing to exercise in an area with greater passive surveillance) by using a vehicle, then it would not be reasonably practicable for that person to undertake exercise without using a vehicle.

(1AF) A person must not leave their premises between 8:00:00 pm and 5:00:00 am during the stay at home period, except if:

- (a) they are leaving their premises (or their intimate partner's premises) for work in accordance with clause 8 (including travelling to and from work); or

Note: the curfew applies to a person when they are staying with a person with whom they are in an intimate personal relationship.

- (b) it is necessary:
 - (i) to obtain necessary goods and services:
 - (A) for health or medical purposes under clause 6(1)(b); or
 - (B) where the person is working, or travelling to or from their premises for work, between 8:00:00 pm and 5:00:00 am; or
 - (ii) for the reasons set out in:
 - (A) clause 7(1)(b)(ii) (care and support of a child); or
 - (B) clause 7(1)(b)(iii) (take a child elsewhere for child-minding); or
 - (C) clause 7(1)(d) (care and support for a relative or other person); or
 - (D) clause 7(1)(i) (escape harm or the risk of harm); or
 - (E) clause 7(1)(l) (provide child-minding assistance); or
 - (F) clause 7(1)(n) (pet toilet break); or
 - (G) clause 10(1)(a) (emergency purposes, which includes, without limitation, seeking emergency medical assistance); or
 - (H) clause 10(1)(b) (as required or authorised by law); or
 - (I) clause 10(1)(c) (for purposes relating to the administration of justice, including attending a police station); or
 - (J) clause 10(1)(f) (driving a person as permitted under these directions); or
 - (K) clause 10(1)(g) (the premises in which the person ordinarily resides is no longer available); or
 - (L) clause 10(1)(j) (leaving Victoria); or
 - (M) clause 10(1)(k) (leaving Australia); or
 - (N) clause 10(1)(l) (for the purposes of national security).

Requirement to stay in the Restricted Area

(1B) Subject to subclauses (1C) and (1D), a person who ordinarily resides in the Restricted Area during the stay at home period must not leave the Restricted Area other than for one or more of the reasons specified in:

- (a) clause 6 (**necessary goods or services**);
- (b) clause 7 (**care or other compassionate reasons**);

- (c) clause 8 (**work or education**);
- (d) clause 10 (**other specified reasons**).

Note: a person who leaves the Restricted Area for necessary goods or services remains subject to subclauses (1AB) to (1AD), including not travelling further than 5 km from their premises, not doing so more than once per day and only one person from a given residence per day doing so, subject to the exceptions in those subclauses.

- (1C) If a person who ordinarily resides in the Restricted Area leaves the Restricted Area in accordance with subclause (1B) or (1D), these directions and the **Restricted Activity Directions (Restricted Areas) (No. 8)** apply to that person when outside of the Restricted Area as if they were in the Restricted Area.

Principal place of residence

- (1D) If a person has more than one ordinary place of residence, their place of residence as at 11:59:00 pm on 1 August 2020 must remain their principal place of residence for the duration of the stay at home period. If the person's chosen principal place of residence is:
 - (a) within the Restricted Area, they must not leave to go to any other ordinary place of residence (regardless of whether it is within or outside the Restricted Area); or
 - (b) outside the Restricted Area, they must not leave to go to any other ordinary place of residence within the Restricted Area,
 - except:
 - (c) for the purposes of (and provided they comply with) clause 8 (**work or education**); or
 - (d) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (e) for emergency maintenance of the other residence; or
 - (f) for emergency purposes; or
 - (g) as required or authorised by law.

Ordinary place of residence

- (2) Subject to subclauses (3) and (3A), subclauses (1) and (1D) do not apply to a person at any time during the stay at home period when the person:
 - (a) does not have an ordinary place of residence; or
 - (b) has an ordinary place of residence or principal place of residence (as applicable), but that place is temporarily unavailable or is unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the premises).
- (3) If a suitable premises is made available for a person identified in subclause (2) to reside at for the stay at home period (or part thereof):
 - (a) that premises is taken to be the person's ordinary place of residence for the period (or part thereof); and
 - (b) subclause (1) applies accordingly.
- (3A) If subclause (2) applies, if a person has more than one ordinary place of residence and can choose another such residence to be their principal place of residence for the duration of the stay at home period (or part thereof), that residence is taken to be the person's principal place of residence and subclause (1D) applies accordingly.
- (4) If a person's ordinary place of residence is outside Victoria, the premises where that person is temporarily residing in Victoria during the stay at home period (or part thereof) is taken to be the person's ordinary place of residence for the period (or part thereof).

- (5) If, during the stay at home period, a person moves from the premises at which they ordinarily reside to a new premises, the new premises is taken to be the premises at which the person ordinarily resides from midnight on the day that the person moves.

Example: subclause (5) applies if a person sells their ordinary place of residence, buys a new ordinary place of residence and wishes to move between them. Otherwise, movement between multiple ordinary places of residence is regulated by subclause (1D).

Face covering requirement

- (6) A person may only leave the premises under subclause (1), (1B) or (1D) if they:
- (a) wear a face covering at all times; and
 - (b) if subclause (7) (other than subclause (7)(a), (c), (d) or (e)) applies, carry a face covering at all other times.

Note: a face covering includes a face mask or face shield designed or made to be worn over the nose and mouth to provide the wearer protection against infection. Please refer to the Department of Health and Human Services' guidelines for further information.

- (7) Subclause (6)(a) does not apply if:
- (a) the person is an infant or a child under the age of 12 years; or
 - (b) the person is a student while onsite at a primary school or outside school hours care; or
 - (c) the person is a **prisoner** in a **prison** (either in their cell or common areas), subject to any policies of that prison; or
 - (d) the person is detained in a **remand centre, youth residential centre or youth justice centre** (either in their room or common areas), subject to any policies of that centre; or
 - (e) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or
- Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.*
- (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
 - (h) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
- Examples: teaching, lecturing, broadcasting.*
- (i) the person is working by themselves in an enclosed **indoor space** (unless and until another person enters that indoor space); or
- Example: a person working by themselves in an office.*
- (j) the person is working by themselves in an **outdoor space**, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises with them); or
- Example: a farmer working by themselves in a field or with their family who lives with them.*
- (k) the person is one of two persons being married while in the process of being married; or
 - (l) the person is a professional sports person when training or competing; or
 - (m) the person is engaged in any strenuous physical exercise; or
- Examples: jogging, running.*
- (n) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or

- (o) the person is riding a bicycle or motorcycle; or
- (p) the person is consuming food, drink or medicine; or
- (q) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (r) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (s) the person is asked to remove the face covering to ascertain identity; or
Examples: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
- (t) for emergency purposes; or
- (u) required or authorised by law; or
- (v) doing so is not safe in all the circumstances.

PART 3 – REASONS TO LEAVE PREMISES

6 Leaving premises to obtain necessary goods or services

- (1) A person who ordinarily resides in the Restricted Area may leave the premises to obtain:
- (a) take away food or drink; or
Note: a person who ordinarily resides in the Restricted Area may not leave their premises to have a dine-in meal at any location.
 - (b) goods and services for health or medical purposes; or
 - (c) other necessary goods or services including, but not limited to, goods or services provided by:
 - (i) a financial institution;
 - (ii) a government body or government agency;
 - (iii) a post office;
 - (iv) a **pharmacy**;
 - (v) a hardware store;
 - (vi) a petrol station;
 - (vii) a pet store or veterinary clinic;
 - (viii) a **retail facility** that is not prohibited from operating by the **Restricted Activity Directions (Restricted Areas) (No. 8)**, regardless of whether that retail facility is within the Restricted Area or not.

Note: a person who ordinarily resides in the Restricted Area may only visit retail facilities to obtain necessary goods or services outside the Restricted Area in accordance with clauses 5(1B) and (1C) and if such retail facilities are permitted to operate in the Restricted Area.

*Example: as beauty salons are not open under the **Restricted Activity Directions (Restricted Areas) (No. 8)**, a person may not leave their premises to attend a beauty salon in any location.*

7 Leaving premises for care or other compassionate reasons

- (1) A person who ordinarily resides in the Restricted Area may leave the premises:
- (a) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (b) if the person is a parent or guardian of a child (with or without that child):
 - (i) to visit the child if the child is in detention, or in the care of another person; or
 - (ii) to meet any obligations in relation to care and support for that child; or

(iii) to take the child to another person's premises for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian can:

(A) work if the parent or guardian is a permitted worker or providing a **Permitted Service**; or

(B) study if the parent or guardian is a **permitted higher education student**,

provided the child-minding assistance is in accordance with an arrangement which was already in place prior to 11:59:00 pm on 5 August 2020 and there is no appropriate alternative care available; or

Note 1: only one of the parents or guardians of the child is required to be a permitted worker or providing a Permitted Service, or be a permitted higher education student.

Note 2: in-home child-minding assistance arrangements are limited to children who ordinarily reside at the same premises as each other; in addition to any children who ordinarily reside with the person providing child-minding assistance.

(iv) to take the child to a **childcare or early childhood service**, so that the parent or guardian can:

(A) work if the parent or guardian is:

1. a permitted worker; or

2. providing a Permitted Service; or

3. a person who has received an Access to Onsite Childcare/Kindergarten Permit, or is permitted to access onsite childcare or kindergarten services without an Access to Onsite Childcare/Kindergarten Permit, under the **Permitted Worker Permit Scheme Directions (No. 4)**; or

(B) study if the parent or guardian is a permitted higher education student,

provided there is no appropriate alternative care available; or

Note: only one of the parents or guardians of the child is required to be someone providing a permitted service, be a permitted worker, be a permitted higher education student, or someone who has received an Access to Onsite Childcare/Kindergarten Permit (or be permitted to access onsite childcare or kindergarten services without one).

(v) to take the child to a **school** or outside school hours care service, so that the parent or guardian can:

(A) work if the parent or guardian is a permitted worker; or

(B) study if the parent or guardian is a permitted higher education student,

provided the parent or guardian is not working or studying from home (as applicable); or

Note: if a child or young person is residing with one or more parent or guardian (including stepparents) on the relevant day, all parents or guardians must be permitted workers or permitted higher education students and not working or studying (as applicable) from home.

(c) to obtain or provide childcare or early childhood services or schooling to a **vulnerable child or young person**; or

(d) to provide care and support to a person:

(i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or

Note: care and support does not include the provision of child-minding to permitted workers or any other person.

- (ii) because of matters relating to the other person's health (including mental health or pregnancy); or
- (e) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions (No. 10)**; or
- (f) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No. 10)**; or
- (g) to attend a funeral or wedding, if that funeral or wedding complies with the requirements in clause 11; or
- (h) to donate blood; or
- (i) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
- (j) to visit a person with whom they are in an intimate personal relationship; or
- (k) to attend a cemetery or other memorial for a deceased person to pay respects to a deceased person, provided that this does not involve travelling further than 5 km from the premises where the person ordinarily resides; or

Note 1: the reference to a memorial is to a physical place (for example, a place of interment such as a grave, crypt or cremation niche), not an event. Subclause (1)(k) does not permit a person to attend an event in a person's home.

Note 2: for the avoidance of doubt, the 5 km travel limitation does not apply to funerals.

- (l) to provide child-minding assistance (whether on a paid or voluntary basis) in accordance with an arrangement which was already in place prior to 11:59:00 pm on 5 August 2020 so that the parent or guardian of a child can:
 - (i) work if the parent or guardian is a permitted worker or providing a Permitted Service; or
 - (ii) study if the parent or guardian is a permitted higher education student, provided there is no appropriate alternative care available; or

Note 1: a person may continue to provide existing in-home child-minding assistance (whether on a paid or voluntary basis) to a permitted worker, someone providing a Permitted Service or a permitted higher education student in the Restricted Area, but no new arrangements are permitted. Only one person may enter the premises for this purpose.

Note 2: only one of the parents or guardians of the child is required to be a permitted worker, someone providing a Permitted Service or a permitted higher education student.

- (m) to provide child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian of a child can leave the premises where they ordinarily reside:
 - (i) to visit a child in detention or in the care of another person; or
 - (ii) to attend a care facility if that attendance is not prohibited by the **Care Facilities Directions (No. 10)**; or
 - (iii) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No. 10)**; or
 - (iv) to attend a funeral or wedding, if that funeral or wedding complies with the requirements in clause 11; or
 - (v) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
 - (vi) for emergency purposes; or
 - (vii) as required or authorised by law; or
- (n) if the person has a pet at their premises and it is necessary to take the pet outdoors to urinate or defecate, if it is not reasonably practicable for the pet to do so at the person's premises; or

Note: if a person takes their pet outdoors, the distance travelled and the time taken should be no more than is absolutely necessary.

- (o) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal.

Examples: feeding a horse in a paddock; collecting a pet from an animal shelter.

Note: the distance travelled and the time taken should be no more than is absolutely necessary.

8 Leaving premises to attend work or education

- (1) Subject to subclauses (2) and (3), a person who ordinarily resides in the Restricted Area may leave the premises to:
 - (a) attend work if the person is a permitted worker; or

*Note: a person who ordinarily resides in the Restricted Area, regardless of where they work, must hold a **Permitted Worker Permit** in accordance with, and comply with, the **Permitted Worker Permit Scheme Directions (No. 4)**.*
 - (b) obtain educational services (which includes going to primary or secondary school including outside school hours care).
- (2) A person may leave the premises under subclause (1)(a) only if it is not reasonably practicable for the person to work from the premises.
- (3) A person may leave the premises under subclause (1)(b) only if:
 - (a) for school educational services (including at a school or non-school senior secondary provider and outside school hours care services), they are:
 - (i) a person required to undertake essential Victorian Certificate of Education (VCE) or Victorian Certificate of Applied Learning (VCAL) assessments at a school or another educational facility or institution and it is not reasonably practicable for those assessments to be undertaken from the premises; or
 - (ii) a person whose parents or guardians ordinarily reside in the Restricted Area and the parents or guardians are:
 - (A) permitted workers; or
 - (B) permitted higher education students,and are not working or studying (as applicable) from home; or

Note: if a child or young person is residing with one or more parent or guardian (including stepparents) on the relevant day, all parents or guardians must be permitted workers or permitted higher education students and not working or studying (as applicable) from home.
 - (iii) a vulnerable child or young person; or
 - (iv) a person enrolled in a specialist school outside the Restricted Area; or
 - (b) for **higher education services** if they are a permitted higher education student, where it is not reasonably practicable for the person to obtain the higher education services from the premises where they ordinarily reside.

9 Leaving premises for exercise

- (1) A person who ordinarily resides in the Restricted Area may leave the premises to exercise, but must:
 - (a) only exercise at a facility that is not prohibited by the **Restricted Activity Directions (Restricted Areas) (No. 8)**; and

Note: community sport cannot take place in the Restricted Area, nor can a person who ordinarily resides in the Restricted Area participate in any community sport in any location.

*Example: as swimming pools are not open under the **Restricted Activity Directions (Restricted Areas) (No. 8)**, a person may not leave their premises to swim in a pool in any location.*
 - (b) comply with the restrictions on gatherings in clause 11; and
 - (c) take reasonable steps to maintain a distance of 1.5 metres from all other persons.

Note 1: the effect of clause 11 is that a person can only exercise with one other person (regardless of whether they ordinarily reside with them or not) unless the exceptions of clause 11(3)(a) (care and support) or 11(3)(b) (child) apply.

Note 2: in accordance with clause 11(3)(b), if a person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can exercise with one other person with whom they do not ordinarily reside, then the child may accompany the person when exercising with that other person.

- (2) Subclause (1)(c) does not prevent a person from walking with another person or persons for the purposes of exercise.

10 Leaving premises for other reasons

- (1) A person who ordinarily resides in the Restricted Area may leave the premises in the following circumstances:

- (a) for emergency purposes; or
- (b) as required or authorised by law; or
- (c) for purposes relating to the administration of justice, including, but not limited to, attending:
 - (i) a police station; or
 - (ii) a court or other premises for purposes relating to the justice or law enforcement system; or
- (d) to attend a **place of worship**, if that place of worship is operating in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 8)**; or
- (e) to attend a **community facility**, if that facility is operating in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 8)**; or
- (f) for the purpose of driving a person with whom they ordinarily reside where it is not otherwise reasonably practicable for that person to leave their premises for a purpose permitted under, and provided they comply with, these directions; or

Examples: driving a household member who does not have a driver's licence to or from work, to obtain educational services, or to the ordinary place of residence of a person with whom they are in an intimate personal relationship.

- (g) if the premises in which the person ordinarily resides is no longer available for the person to reside in or is no longer suitable for the person to reside in; or
- (h) for purposes relating to, or associated with, **dealing in residential property**, including attending a private inspection of a residential property organised in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 8)** and the **Restricted Activity Directions (Non-Melbourne) (No. 3)**; or

Note: if at the start of the stay at home period a person has a signed contract for a residential property which is scheduled to settle during the stay at home period, dealing with that residential property may continue. Similarly if a person is a residential tenant whose lease is expiring during the stay at home period, dealing with residential property may continue.

- (i) for the purposes of moving to a new premises at which the person will ordinarily reside; or
- (j) if the person ordinarily resides outside Victoria, for the purposes of leaving Victoria; or
- (k) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
- (l) for the purposes of **national security**.

PART 4 – GATHERINGS**11 Restrictions on gatherings***Private gatherings*

- (1) During the stay at home period, a person must not enter a premises (at which they do not ordinarily reside) in the Restricted Area, except for one or more of the purposes specified in (and provided they comply with) clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons).
- (2) During the stay at home period, a person who ordinarily resides in the Restricted Area must not permit another person to enter the premises at which they ordinarily reside (whether or not entering any building on the premises), unless:
 - (a) the other person also ordinarily resides at the premises; or
 - (b) the person is residing at the premises in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 10)**; or
 - (c) it is necessary for the other person to enter the premises for one or more of the purposes specified in:
 - (i) clause 7 (care or other compassionate reasons); or
Note: those entering the premises for a care or other compassionate purpose should be no more than the minimum necessary to do so.
 - (ii) clause 8 (work or education), provided that the premises is where the work will take place and such work is urgent and essential; or
Examples: a tradesperson for the purpose of carrying out urgent and essential repairs; a disability support worker; a vet; a person for end-of-life faith reasons.
 - (d) it is necessary for the other person to enter for the purposes of attending a private inspection of the premises, organised in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 8)**; or
 - (e) it is necessary for the other person to enter for the purpose of moving to the premises as the place where they will ordinarily reside; or
 - (f) it is necessary for the other person to enter for medical or emergency purposes; or
 - (g) the entry is for purposes relating to the administration of justice; or
 - (h) the entry is otherwise required or authorised by law; or
 - (i) the entry is for the purposes of national security.
- (2A) During the stay at home period, a person who ordinarily resides in the Restricted Area must not enter a premises (at which they do not ordinarily reside) outside the Restricted Area except for one or more of the purposes specified in clauses 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons).

Public gatherings

- (3) During the stay at home period, a person in the Restricted Area must not arrange to meet, or organise or intentionally attend a gathering of, more than one other person for a common purpose at a public place, except:
Note: subclause 11(3) does not prevent a person attending a public place (for example, a shopping centre) for a purpose (for example, shopping), where other people are also likely to be attending that public place for a similar purpose. It prevents people from attending a public place intending to gather with other people for a common purpose (for example, meeting family or friends at the shopping centre).
 - (a) where it is necessary for the person to provide, or the person requires, care and support due to:
 - (i) age, infirmity, disability, illness or a chronic health condition; or
 - (ii) matters relating to the other person's health (including mental health or pregnancy); or

- (b) if the person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can leave the premises without the child, then the child may accompany the person when gathering with one other person; or
- (c) for the purpose of attending a wedding in a Restricted Area that complies with the requirements in subclause (4); or
Note: a person who ordinarily resides in the Restricted Area must not attend a wedding outside the Restricted Area, except as a celebrant who may leave the Restricted Area under clause 5(1B)(c).
- (d) for the purpose of attending a funeral that complies with the requirements in subclause (5); or
- (e) it is necessary to arrange a meeting or organise a gathering for one or more of the purposes specified in clauses 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons); or
- (f) where it is for one or more of the purposes specified in clause 6 (necessary goods or services) and the exceptions in clause 5(1AD) apply.

Weddings and funerals

- (4) The requirements for a wedding held in the Restricted Area are that:
 - (a) one or both of the two persons being married:
 - (i) are at the end of life; or
 - (ii) will be deported from Australia unless the marriage takes place; and
 - (b) it involves only 5 persons:
 - (i) the two persons being married; and
 - (ii) the **authorised celebrant**; and
 - (iii) two persons witnessing the marriage for the purposes of section 44 of the **Marriage Act 1961** of the Commonwealth; and
 - (c) 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
 - (d) if held at a person's ordinary place of residence, it must comply with the gathering restriction in subclause (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 the celebrant who can enter the premises under subclause (2)(c) (work).

*Note 2: record keeping requirements apply to weddings as set out in the **Restricted Activity Directions (Restricted Areas) (No. 8)**.*

*Note 3: the requirements for a wedding held in an area other than in the Restricted Area are set out in the **Stay At Home Directions (Non-Melbourne) (No. 3)**.*

- (5) The requirements for a funeral held in the Restricted Area are that:
 - (a) it involves no more than 10 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 subclause (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 the persons reasonably necessary for the conduct of the funeral who can enter the premises under subclause (2)(c) (work).

*Note 2: record keeping requirements apply to funerals as set out in the **Restricted Activity Directions (Restricted Areas) (No. 8)**.*

*Note 3: the requirements for a funeral held in an area other than in the Restricted Area are set out in the **Stay At Home Directions (Non-Melbourne) (No. 3)**.*

PART 5 – OTHER PROVISIONS**12 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. 10)**, Parts 2, 3 and 4 of these directions are inoperative to the extent of any 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. 10)**, these directions are inoperative to the extent of the inconsistency.

13 Definitions

For the purposes of these directions:

- (1) **Area Directions (No. 7)** means the directions issued by the Public Health Commander, setting out **Restricted Areas**;
- (2) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (3) **care facility** has the same meaning as in the **Care Facilities Directions (No. 10)**;
- (4) **childcare or early childhood service** means onsite early childhood education and care services or children’s services provided under the:
 - (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services; and
 - (b) **Children’s Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (5) **community facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 8)**;
- (6) **dealing with residential property** of a person includes:
 - (a) creating, acquiring, disposing of or assigning an interest in the property; and
 - (b) receiving or making a gift of the property; and
 - (c) using the property to obtain or extend credit; and
 - (d) using credit secured against the property;
- (7) **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.
- (8) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;

- (9) **Directions currently in force** has the same meaning as in the **Area Directions (No. 7)**;
- (10) **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;
- (11) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training;
- (12) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 10)**;
- (13) **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;
- (14) **member 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;
- (15) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (16) **outdoor space** means a space that is not an **indoor space**;
- (17) **permitted higher education student** means a student accessing **higher education services** which are permitted to be delivered onsite as set out in the 'Education and Training' section of the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (18) **Permitted Services** means the services of the **Permitted Work Premises** as set out in the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (19) **Permitted Work Premises** means the work premises described as 'PERMITTED WORK PREMISES' set out in the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (20) **permitted worker** means a person who has received a **Permitted Worker Permit**, or is permitted to work without a Permitted Worker Permit, under the **Permitted Worker Permit Scheme Directions (No. 4)**;
- (21) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 4)**;
- (22) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (23) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (24) **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;
- (25) **prison** has the same meaning as in the **Corrections Act 1986**;
- (26) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (27) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;

- (28) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (29) **Restricted Area** has the same meaning as in the **Area Directions (No. 7)**;
- (30) **retail facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 8)**;
- (31) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (32) **stay at home period** has the meaning in clause 4;
- (33) **vehicle** has the same meaning as in the PHW Act;
- (34) **vulnerable child or young person in a childcare or early childhood service** means a child or young person who:
- (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) identified by a childcare or early childhood service as vulnerable, (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service);
- (35) **vulnerable child or young person in a school** means a child or young person who:
- (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) identified by a **school** as vulnerable, (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service); or
 - (d) has a disability and the family is experiencing severe stress;
- (36) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (37) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

14 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 16 August 2020

DR FINN ROMANES
Public Health Commander,
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 PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY

Stay at Home Directions (Non-Melbourne) (No. 3)

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and 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) For the purposes of these directions, the **Relevant Area** means the area of Victoria outside the **Restricted Area**. More specific directions apply to those people who ordinarily reside in the Restricted Area.
- (3) These directions require everyone who ordinarily resides in the Relevant Area to limit their interactions with others by:
 - (a) restricting the circumstances in which they may leave the **premises** where they ordinarily reside and the Relevant Area; and
 - (b) placing restrictions on gatherings, including prohibiting private gatherings (no visitors to another person's home other than in very limited circumstances).
- (4) These directions must be read together with the **Directions currently in force**.
- (5) These directions replace the **Stay at Home Directions (Non-Melbourne) (No. 2)** and provide clarification regarding child-minding and childcare.

2 Citation

These directions may be referred to as the **Stay at Home Directions (Non-Melbourne) (No. 3)**.

3 Revocation

The **Stay at Home Directions (Non-Melbourne) (No. 2)** are revoked at 11:59:00 pm on 16 August 2020.

4 Stay at home period

For the purposes of these directions, the **stay at home period** is the period beginning at 11:59:00 pm on 16 August 2020 and ending at 11:59:00 pm on 13 September 2020.

PART 2 – STAY AT HOME**5 Direction – stay at home other than in specified circumstances***Requirement to stay at home*

- (1) A person who ordinarily resides in the Relevant Area during the stay at home period must not leave the premises where the person ordinarily resides, other than for one or more of the reasons specified in:
 - (a) clause 6 (**necessary goods or services**);
 - (b) clause 7 (**care or other compassionate reasons**);
 - (c) clause 8 (**work or education**);
 - (d) clause 9 (**exercise or outdoor recreation**);
 - (e) clause 10 (**other specified reasons**).

Note: a person may have more than one ordinary place of residence but is only permitted to move between those places in accordance with subclause (1D).

- (1A) A person may only leave their premises under subclause (1) where it does not involve unreasonable travel or travelling to a place for an unreasonable period of time.

Note 1: unreasonable travel would include travel within or outside the Relevant Area to obtain goods or services that can be obtained closer to home.

Note 2: unreasonable travel would include travel within the Relevant Area for exercise or outdoor recreation where that can be done closer to home. Travelling to the Restricted Area for exercise or outdoor recreation is prohibited under these directions.

Requirement to stay outside the Restricted Area

- (1B) Subject to subclauses (1C) and (1D), a person who ordinarily resides in the Relevant Area during the stay at home period must not enter the Restricted Area other than for one or more of the reasons specified in:

- (a) clause 6 (***necessary goods or services***) provided that:
- (i) they must not do so more than once per day; and
 - (ii) only one person from a given residence per day may do so, except where:
 - (iii) the person leaves the premises to obtain goods and services:
 - (A) for health or medical purposes; or
 - (B) provided by a:
 - 1. financial institution; or
 - 2. government body or government agency; or
 - (iv) the person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can leave the premises without the child; or
 - (v) it is necessary for the person to provide, or the person requires, care and support due to:
 - (A) age, infirmity, disability, illness or a chronic health condition; or
 - (B) matters relating to the relative or other person's health (including mental health or pregnancy);
- (b) clause 7 (***care or other compassionate reasons***);
- (c) clause 8 (***work or education***);
- (d) clause 10 (***other specified reasons***),

of, and provided they comply with the requirements set out in, the **Stay at Home Directions (Restricted Areas) (No. 12)**.

- (1C) If a person who ordinarily resides in the Relevant Area enters the Restricted Area in accordance with subclause (1B) or (1D), the **Stay at Home Directions (Restricted Areas) (No. 12)** and the **Restricted Activity Directions (Restricted Areas) (No. 8)** apply to that person when they are in the Restricted Area.

Note: If a person who ordinarily resides in the Relevant Area enters the Restricted Area, they must comply with the curfew which applies in the Restricted Area.

Principal place of residence

- (1D) If a person has more than one ordinary place of residence, the person must choose one of these residences to be their principal place of residence for the duration of the stay at home period. Such a person must not leave to go to any other ordinary place of residence (regardless of whether it is within or outside the Relevant Area) except:

- (a) for the purposes of (and provided they comply with) clause 8 (***work or education***); or

- (b) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
- (c) for emergency maintenance of the other residence; or
- (d) for emergency purposes; or
- (e) as required or authorised by law.

Example: a person has an ordinary place of residence in the Restricted Area and two other ordinary places of residence in the Relevant Area. This person must choose a principal place of residence. If they choose one of the places of residence in the Relevant Area, they cannot go to their other residence in the Restricted Area or the Relevant Area, except in accordance with subclause (1D).

Ordinary place of residence

- (2) Subject to subclauses (3) and (3A), subclauses (1) and (1D) do not apply to a person at any time during the stay at home period when the person:
 - (a) does not have an ordinary place of residence or a principal place of residence (as applicable); or
 - (b) has an ordinary place of residence or principal place of residence (as applicable), but that place is temporarily unavailable or is unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the premises).
- (3) If a suitable premises is made available for a person identified in subclause (2) to reside at for the stay at home period (or part thereof):
 - (a) that premises is taken to be the person's ordinary place of residence for the stay at home period (or part thereof); and
 - (b) subclause (1) applies accordingly.
- (3A) If subclause (2) applies, if a person has more than one ordinary place of residence and can choose another such residence to be their principal place of residence for the duration of the stay at home period (or part thereof), that residence is taken to be the person's principal place of residence and subclause (1D) applies accordingly.
- (4) If a person's ordinary place of residence is outside Victoria, the premises where that person is temporarily residing in Victoria during the stay at home period (or part thereof) is taken to be the person's ordinary place of residence for the period (or part thereof).
- (5) If, during the stay at home period, a person moves from the premises at which they ordinarily reside to a new premises, the new premises is taken to be the premises at which the person ordinarily resides from midnight on the day that the person moves.

Example: subclause (5) applies if a person sells their ordinary place of residence, buys a new ordinary place of residence and wishes to move between them. Otherwise, movement between multiple ordinary places of residence is regulated by subclause (1D).

Face covering requirement

- (6) A person may only leave the premises under subclause (1), (1B) or (1D) if they:
 - (a) wear a face covering at all times; and
 - (b) if subclause (7) (other than subclause (7)(a), (c), (d) or (e)) applies, carry a face covering at all other times.

Note: a face covering includes a face mask or face shield designed or made to be worn over the nose and mouth to provide the wearer protection against infection. Please refer to the Department of Health and Human Services' guidelines for further information.

- (7) Subclause (6)(a) does not apply if:
 - (a) the person is an infant or a child under the age of 12 years; or
 - (b) the person is a student while onsite at a primary school or outside school hours care; or

- (c) the person is a **prisoner** in a **prison** (either in their cell or common areas), subject to any policies of that prison; or
- (d) the person is detained in a **remand centre, youth residential centre or youth justice centre** (either in their room or common areas), subject to any policies of that centre; or
- (e) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or
Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.
- (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
- (h) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
Examples: teaching, lecturing, broadcasting.
- (i) the person is working by themselves in an enclosed **indoor space** (unless and until another person enters that indoor space); or
Example: a person working by themselves in an office.
- (j) the person is working by themselves in an **outdoor space**, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises with them); or
Example: a farmer working by themselves in a field or with their family who lives with them.
- (k) the person is one of two persons being married while in the process of being married; or
- (l) the person is a professional sportsperson when training or competing; or
- (m) the person is engaged in any strenuous physical exercise; or
Examples: jogging, running.
- (n) the person is travelling in a **vehicle** by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (o) the person is riding a bicycle or motorcycle; or
- (p) the person is consuming food, drink or medicine; or
- (q) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (r) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (s) the person is asked to remove the face covering to ascertain identity; or
Examples: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
- (t) for emergency purposes; or
- (u) required or authorised by law; or
- (v) doing so is not safe in all the circumstances.

PART 3 – REASONS TO LEAVE PREMISES

6 Leaving premises to obtain necessary goods or services

- (1) A person who ordinarily resides in the Relevant Area may leave the premises to obtain:
 - (a) take away food or drink; or

Note: a person who ordinarily resides in the Relevant Area may not leave their premises to have a dine-in meal at any location.

- (b) goods and services for health or medical purposes; or
- (c) other necessary goods or services including, but not limited to, goods or services provided by:
 - (i) a financial institution;
 - (ii) a government body or government agency;
 - (iii) a post office;
 - (iv) a **pharmacy**;
 - (v) a hardware store;
 - (vi) a petrol station;
 - (vii) a pet store or veterinary clinic;
 - (viii) a **retail facility** that is not prohibited from operating by the **Restricted Activity Directions (Non-Melbourne) (No. 3)** or the **Restricted Activity Directions (Restricted Areas) (No. 8)** (as applicable).

Note: a person who ordinarily resides in the Relevant Area may only visit retail facilities to obtain necessary goods or services in the Restricted Area in accordance with clauses 5(1B) and (1C).

7 Leaving premises for care or other compassionate reasons

- (1) A person who ordinarily resides in the Relevant Area may leave the premises:
 - (a) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (b) if the person is a parent or guardian of a child (with or without that child):
 - (i) to visit the child if the child is in detention, or in the care of another person; or
 - (ii) to meet any obligations in relation to care and support for that child; or
 - (iii) to take the child to another person's premises for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian can:
 - (A) do one of the things specified in clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8 (work or education), 9 (exercise or outdoor recreation) or 10 (other specified reasons); or
 - (B) work, or obtain educational services, from their own premises; or
 - (iv) to obtain **childcare or early childhood services** in the Relevant Area or the Restricted Area; or
 - (c) to obtain or provide schooling to a **vulnerable child or young person**; or
 - (d) to provide care and support to a relative or other person:
 - (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
 - (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
 - (e) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions (No. 10)**; or

Note: in-home child-minding assistance arrangements in the Restricted Area are limited to children who ordinarily reside at the same premises as each other; in addition to any children who ordinarily reside with the person providing child-minding assistance.

- (f) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No. 10)**; or
- (g) to attend a funeral or wedding, if that funeral or wedding complies with the requirements in clause 11; or
- (h) to donate blood; or
- (i) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
- (j) to visit a person with whom they are in an intimate personal relationship; or
- (k) to attend a cemetery or other memorial for a deceased person to pay respects to a deceased person; or

Note: the reference to a memorial is to a physical place (for example, a place of interment such as a grave, crypt or cremation niche), not an event. Subclause (1)(k) does not permit a person to attend an event in a person's home.

- (l) to provide child-minding assistance (whether on a paid or voluntary basis), so that a person who ordinarily resides in:
 - (i) the Relevant Area, and is the parent or guardian of a child, can:
 - (A) leave their own premises for one of the purposes specified in clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8 (work or education), 9 (exercise or outdoor recreation) or 10 (other specified reasons); or
 - (B) work, from the premises where they ordinarily reside; or
 - (C) study, from the premises where they ordinarily reside; or
 - (ii) the Restricted Area, and is the parent or guardian of a child, can work if the parent or guardian is a **permitted worker** or is providing a **Permitted Service**, provided the child-minding assistance is in accordance with an arrangement which was already in place prior to 11:59:00 pm on 5 August 2020 and there is no appropriate alternative care available; or
- (m) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal.

Examples: feeding a horse in a paddock; collecting a pet from an animal shelter.

Note: the distance travelled and the time taken should be no more than is absolutely necessary.

8 Leaving premises to attend work or education

- (1) Subject to subclauses (2) and (3), a person who ordinarily resides in the Relevant Area may leave the premises to:
 - (a) attend work (whether paid or voluntary, including for charitable or religious purposes); or

*Note: a person who works in the Restricted Area must hold a **Permitted Worker Permit** in accordance with, and comply with, the **Permitted Worker Permit Scheme Directions (No. 4)**.*

 - (b) obtain educational services (which includes going to **school** including outside school hours care or another educational facility or institution); or
 - (c) do anything necessary to attend that work or obtain those educational services including, but not limited to, taking a child to:
 - (i) a childcare or early childhood service, a school (including outside school hours care) or another educational facility or institution; or
 - (ii) another person's premises for child-minding under clause 7(1)(b)(iii).
- (2) A person may leave the premises under subclause (1)(a) only if it is not reasonably practicable for the person to work from the premises.

- (3) A person may leave the premises under subclause (1)(b) only if:
- (a) for school educational services (including at a school or non-school senior secondary provider and outside school hours care services):
 - (i) a person is required to undertake essential Victorian Certificate of Education (VCE) or Victorian Certificate of Applied Learning (VCAL) assessments at a school or another educational facility or institution and it is not reasonably practicable for those assessments to be undertaken from the premises; or
 - (ii) a person whose parents or guardians ordinarily reside in the Relevant Area and are unable to work or access **higher education services** from the premises where they ordinarily reside; or

Note: if a child or young person is residing with one or more parent or guardian (including stepparents) on the relevant day, all parents or guardians must not be working or studying (as applicable) from home.

 - (iii) a vulnerable child or young person; or
 - (iv) a person enrolled in a specialist school in the Relevant Area; or
 - (b) for higher education services:
 - (i) in the Relevant Area, or
 - (ii) in the Restricted Area which are permitted to be delivered on site as set out in the 'Education and Training' section of the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government,

where it is not reasonably practicable for the person to obtain the higher education services from the premises where they ordinarily reside.

9 Leaving premises for exercise or outdoor recreation

- (1) A person who ordinarily resides in the Relevant Area may leave the premises to exercise or to participate in outdoor recreation, but must:
- (a) only participate in a sport or physical recreation activity, or only exercise at a facility, that is not prohibited by the **Restricted Activity Directions (Non-Melbourne) (No. 3)**; and
- Note: community sport cannot take place in the Relevant Area.*
- Example: as swimming pools are not open under the **Restricted Activity Directions (Non-Melbourne) (No. 3)**, a person may not leave their premises to swim in a pool in any location.*
- (b) comply with the restrictions on gatherings in clause 11; and
 - (c) take reasonable steps to maintain a distance of 1.5 metres from all other persons.

Note 1: the effect of clause 11 is that a person can only exercise or participate in outdoor recreation with people that live at the same premises or, alternatively, with one other person with whom they do not ordinarily reside.

Examples: outdoor recreation includes sitting in a park, hiking, boating, fishing and recreational driving.

Note 2: in accordance with clause 11(3)(b), if a person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can exercise with one other person with whom they do not ordinarily reside, then the child may accompany the person when exercising with that other person.

- (2) Subclause (1)(c) does not prevent a person from walking with another person or persons for the purposes of exercise.

10 Leaving premises for other reasons

- (1) A person who ordinarily resides in the Relevant Area may leave the premises in the following circumstances:

- (a) for emergency purposes; or
- (b) as required or authorised by law; or
- (c) for purposes relating to the administration of justice, including, but not limited to, attending:
 - (i) a police station; or
 - (ii) a court or other premises for purposes relating to the justice or law enforcement system; or
- (d) to attend a **place of worship**, if that place of worship is operating in accordance with the **Restricted Activity Directions (Non-Melbourne) (No. 3)** or the **Restricted Activity Directions (Restricted Areas) (No. 8)** (as applicable); or
Examples: attending an essential public support service (for example, a food bank, a service for homeless persons) or attending an essential support group (for example, for alcohol and drugs, family violence or parenting).
- (e) to attend a **community facility**, if that facility is operating in accordance with the **Restricted Activity Directions (Non-Melbourne) (No. 3)** or the **Restricted Activity Directions (Restricted Areas) (No. 8)** (as applicable); or
Examples: attending an essential public support service (for example, a food bank, a service for homeless persons) or attending an essential support group (for example, for alcohol and drugs, family violence or parenting).
- (f) for the purpose of driving a person with whom they ordinarily reside where it is not otherwise reasonably practicable for that person to leave their premises for a purpose permitted under, and provided they comply with, these directions; or
Examples: driving a household member who does not have a driver's licence to or from work, to obtain educational services, or to the ordinary place of residence of a person with whom they are in an intimate personal relationship.
- (g) if the premises in which the person ordinarily resides is no longer available for the person to reside in or is no longer suitable for the person to reside in; or
- (h) for purposes relating to, or associated with, **dealing with residential property**, including attending a private inspection of a residential property organised in accordance with the **Restricted Activity Directions (Non-Melbourne) (No. 3)** or the **Restricted Activity Directions (Restricted Areas) (No. 8)** (as applicable); or
- (i) to attend a lesson to operate a vehicle, or to practise for the purposes of obtaining a licence to operate a vehicle, with another person who ordinarily resides at the same premises or with an instructor; or
- (j) for the purposes of moving to a new premises at which the person will ordinarily reside; or
- (k) if the person ordinarily resides outside Victoria, for the purposes of leaving Victoria; or
- (l) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
- (m) for the purposes of **national security**.

PART 4 – GATHERINGS

11 Restrictions on gatherings

Private gatherings

- (1) During the stay at home period, a person must not enter a premises (at which they do not ordinarily reside) in the Relevant Area, except for one or more of the purposes specified in (and provided they comply with) clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons).

- (2) During the stay at home period, a person who ordinarily resides in the Relevant Area must not permit another person to enter the premises at which they ordinarily reside (whether or not entering any building on the premises), unless:
- (a) the other person also ordinarily resides at the premises; or
 - (b) the person is residing at the premises in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 10)**; or
 - (c) it is necessary for the other person to enter the premises for one or more of the purposes specified in clauses 7 (care or other compassionate reasons) or 8 (work or education); or

Note: those entering the premises for a care or other compassionate purpose should be no more than the minimum necessary to do so.

Example: a tradesperson for the purpose of carrying out repairs.
 - (d) it is necessary for the other person to enter for the purposes of attending a private inspection of the premises, organised in accordance with the **Restricted Activity Directions (Non-Melbourne) (No. 3)**; or
 - (e) it is necessary for the other person to enter for the purpose of moving to the premises as the place where they will ordinarily reside; or
 - (f) it is necessary for the other person to enter for medical or emergency purposes; or
 - (g) the entry is for purposes relating to the administration of justice; or
 - (h) the entry is otherwise required or authorised by law; or
 - (i) the entry is for the purposes of national security.
- (2A) During the stay at home period, a person who ordinarily resides in the Relevant Area must not enter a premises (at which they do not ordinarily reside) in the Restricted Area except for one or more of the purposes specified in clauses 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons).

Public gatherings

- (3) During the stay at home period, a person in the Relevant Area must not arrange to meet, or organise or intentionally attend a gathering of, more than one other person for a common purpose at a public place, except:
- Note: subclause (3) does not prevent a person attending a public place (for example, a shopping centre) for a purpose (for example, shopping), where other people are also likely to be attending that public place for a similar purpose. It prevents people from attending a public place intending to gather with other people for a common purpose (for example, meeting family or friends at the shopping centre).*
- (a) where each other person ordinarily resides at the same premises; or
 - (b) where it is necessary for the person to provide, or the person requires, care and support due to:
 - (i) age, infirmity, disability, illness or a chronic health condition; or
 - (ii) matters relating to the relative or other person's health (including mental health or pregnancy); or
 - (c) if the person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can leave the premises without the child, then the child may accompany the person when gathering with one other person; or
 - (d) for the purpose of attending a wedding in the Relevant Area that complies with the requirements in subclause (4); or

Note: a person who ordinarily resides in the Relevant Area must not attend a wedding in the Restricted Area, except as a celebrant who may enter the Restricted Area under clause 5(1B)(c).

- (e) for the purpose of attending a funeral that complies with the requirements in subclause (5); or
- (f) it is necessary to arrange a meeting or organise a gathering for one or more of the purposes specified in clauses 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons).

Weddings and funerals

- (4) The requirements for a wedding held in the Relevant Area are that:
 - (a) it involves only 5 persons:
 - (i) the two persons being married; and
 - (ii) the **authorised celebrant**; and
 - (iii) 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 subclause (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 the celebrant who can enter the premises under subclause (2)(c) (work).

*Note 2: record keeping requirements apply to weddings as set out in the **Restricted Activity Directions (Non-Melbourne) (No. 3)**.*

*Note 3: the requirements for a wedding held in the Restricted Area are set out in the **Stay at Home Directions (Restricted Areas) (No. 12)**.*

- (5) The requirements for a funeral held in the Relevant Area are that:
 - (a) it involves no more than 10 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 subclause (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 the persons reasonably necessary for the conduct of the funeral who can enter the premises under subclause (2)(c) (work).

*Note 2: record keeping requirements apply to funerals as set out in the **Restricted Activity Directions (Non-Melbourne) (No. 3)**.*

*Note 3: the requirements for a funeral held in the Restricted Area are set out in the **Stay at Home Directions (Restricted Areas) (No. 12)**.*

PART 5 – OTHER PROVISIONS

12 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. 10)**, Parts 2, 3 and 4 of these directions are inoperative to the extent of any 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. 10)**, these directions are inoperative to the extent of the inconsistency.

13 Definitions

For the purposes of these directions:

- (1) **Area Directions (No. 7)** means the directions issued by the Public Health Commander, setting out **Restricted Areas**;
- (2) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (3) **care facility** has the same meaning as in the **Care Facilities Directions (No. 10)**;
- (4) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
 - (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services; and
 - (b) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (5) **community facility** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne) (No. 3)** or the **Restricted Activity Directions (Restricted Areas) (No. 8)** (as applicable);
- (6) **dealing with residential property** of a person includes:
 - (a) creating, acquiring, disposing of or assigning an interest in the property; and
 - (b) receiving or making a gift of the property; and
 - (c) using the property to obtain or extend credit; and
 - (d) using credit secured against the property;
- (7) **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.
- (8) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (9) **Directions currently in force** has the same meaning as in the **Area Directions (No. 7)**;
- (10) **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;
- (11) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training;
- (12) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 10)**;

- (13) **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;
- (14) **member 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;
- (15) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (16) **outdoor space** means a space that is not an **indoor space**;
- (17) **Permitted Services** means the services of the **Permitted Work Premises** as set out in the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (18) **Permitted Work Premises** means the work premises described as ‘PERMITTED WORK PREMISES’ set out in the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (19) **permitted worker** means someone who has received a **Permitted Worker Permit**, or is permitted to work without a Permitted Worker Permit, under the **Permitted Worker Permit Scheme Directions (No. 4)**;
- (20) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 4)**;
- (21) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (22) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (23) **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;
- (24) **prison** has the same meaning as in the **Corrections Act 1986**;
- (25) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (26) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (27) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (28) **Relevant Area** has the meaning in clause 1(2);
- (29) **Restricted Area** has the same meaning as in the **Area Directions (No. 7)**;
- (30) **retail facility** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne) (No. 3)** or the **Restricted Activity Directions (Restricted Areas) (No. 8)** (as applicable);
- (31) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (32) **stay at home period** has the meaning in clause 4;
- (33) **vehicle** has the same meaning as in the PHW Act;
- (34) **vulnerable child or young person** means a child or young person who:
- (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or

- (c) identified by a **school** as vulnerable, (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service); or
 - (d) has a disability;
- (35) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (36) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

14 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 16 August 2020

DR FINN ROMANES
Public Health Commander,
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 PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY

Workplace Directions (No. 3)

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and 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 presence of a person with a positive diagnosis of Novel Coronavirus 2019 (2019-nCoV) at a **Work Premises** is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to limit the number of Victorians attending Work Premises to assist in reducing the frequency and scale of **outbreaks** of 2019-nCoV in Victorian workplaces and to establish more specific obligations on **employers** and **workers** in relation to managing the risk associated with 2019-nCoV.
- (2A) These directions must be read together with the **Directions currently in force**.
- (3) These directions are intended to supplement any obligation an employer may have under the **OHS Act** and are not intended to derogate from any such obligations.

2 Citation

These directions may be referred to as the **Workplace Directions (No. 3)**.

3 Deleted clause**4 Revocation**

The **Workplace Directions (No. 2)** are revoked at 11:59:00 pm on 16 August 2020.

5 Commencement

These directions commence at 11:59:00 pm on 16 August 2020 and end at 11:59:00 pm on 13 September 2020.

6 Operation of a Work Premises

- (1) An employer must not permit a worker to perform work at the Work Premises where it is **reasonably practicable** for the worker to work at the worker's place of residence or another suitable **premises** which is not the Work Premises.

*Note: the **Stay at Home Directions (Non-Melbourne) (No. 12)** and the **Stay at Home Directions (Non-Melbourne) (No. 3)** 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.*

- (2) An employer must comply with the **Permitted Worker Permit Scheme Directions (No. 4)** and the **Workplace (Additional Industry Obligations) Directions (No. 4)** where it applies to that employer.
- (3) Where an employer permits or requires work to be performed at a Work Premises, the employer must comply with clauses 7 to 9.

7 Preventative measures at Work Premises to reduce the risk of 2019-nCoV*Face coverings requirement*

- (1) An employer must take reasonable steps to ensure the worker wears a face covering at all times when working at a Work Premises.

Note: a face covering includes a face mask or face shield designed or made to be worn over the nose and mouth to provide the wearer protection against infection. Please refer to the Department's guidelines for further information.

- (2) Subclause 7(1) does not apply if:
- (a) the worker has a physical or mental health illness or condition or disability which makes wearing a face covering unsuitable; or
Examples: workers who have obstructed breathing or a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.
 - (b) the worker is communicating with a person who is deaf or hard of hearing, where visibility of the mouth is essential for communication; or
 - (c) the nature of a worker's work means that wearing a face covering creates a risk to their health and safety; or
 - (d) the nature of a worker's work means that clear enunciation or visibility of the mouth is essential; or
Examples: teaching, lecturing, broadcasting.
 - (e) the worker is working by themselves in an enclosed **indoor space** (unless and until another person enters that indoor space); or
Example: a person working by themselves in an office.
 - (f) the worker is working by themselves in an **outdoor space**, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises as the worker); or
Example: a farmer working by themselves in a field.
 - (g) the worker is a professional sportsperson when training or competing; or
 - (h) the worker is travelling in a **vehicle** for work purposes by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
 - (i) the worker is consuming food, drink or medicine; or
 - (j) the worker is asked to remove the face covering to ascertain identity; or
Examples: a worker may be asked by police, security or post office staff to remove a face covering to ascertain identity.
 - (k) for emergency purposes; or
 - (l) required or authorised by law; or
 - (m) doing so is not safe in all the circumstances.
Note: a worker is required to wear a face covering at all other times when the circumstances above do not apply.
Example: a worker must wear a face covering when using ingress and egress points to the employer's premises, or other facilities such as toilets.

COVIDSafe Plan

- (3) Subject to subclause (5), an employer with a Work Premises located in the Restricted Area, must for that Work Premises:
- (a) have in place a COVIDSafe Plan, which addresses the health and safety issues arising from 2019-nCoV, including but not limited to:
Note 1: employers can use the template plan accessible from the following website for guidance: <https://www.business.vic.gov.au/disputes-disasters-and-succession-planning/covid-safe-business/creating-a-covid-safe-workplace#yourcovidsafeplan>.
*Note 2: some employers, regardless of whether their Work Premises is located in or outside the Restricted Area will be required to have a High Risk COVIDSafe plan as set out in the **Workplace (Additional Industry Obligations) Directions (No. 4)**.*
 - (i) the employer's process for implementing the record-keeping obligation under subclause (7);
 - (ii) the appropriate level of **PPE** to be worn at the Work Premises;
 - (iii) actions taken by the employer to mitigate the introduction of 2019-nCoV at the Work Premises;

Examples: temperature testing, provision and training for PPE use, regular cleaning, specific cleaning requirements following an outbreak, physical distancing requirements (eg. closing or reconfiguring common areas such as lunchrooms to support workers remaining 1.5 m apart at all times).

- (iv) the processes which the employer has put in place to respond to any **suspected case** or any **confirmed case** of 2019-nCoV at the Work Premises, taking into account the employer's obligations under these directions;
- (v) an acknowledgement that the employer understands its responsibilities and obligations under these directions; and
- (b) document and evidence, and require its managers to document and evidence, implementation of the COVIDSafe Plan.
- (4) The employer and the employer's workers must comply with the COVIDSafe Plan.
- (5) An employer is not required to comply with subclause 7(3) if they have fewer than five workers working at a Work Premises or the Work Premises is located in the **Relevant Area**.
- (6) An employer must:
 - (a) comply with any direction given by an **Authorised Officer** or **WorkSafe inspector** to modify a COVIDSafe Plan, including:
 - (i) following an outbreak of confirmed cases of 2019-nCoV at a Work Premises; or
 - (ii) if the Authorised Officer considers that the COVIDSafe Plan is not fit for purpose; and
 - (b) implement any modifications required in accordance with subclause 7(6)(a).

Record-keeping obligations (records requirement)

- (7) Subject to subclause (8), an employer must keep a record of all workers and all visitors who attend the Work Premises for longer than 15 minutes, which includes:
 - (a) the person's first name; and
 - (b) a contact phone number; and
 - (c) the date and time at which the person attended the Work Premises; and
 - (d) the areas of the Work Premises which the person attended.

Note: the records requirement applies to all persons that attend the facility or venue for longer than 15 minutes, which may include staff, customers, and maintenance and delivery workers.
- (8) An employer is not required to comply with the record keeping requirement in subclause (7):
 - (a) where they are operating a Work Premises which is a **market**, market stall, a **retail facility** or **retail shopping centre** with respect to customers who attend that Work Premises, where it is not practicable to do so; or
 - (b) in relation to essential support groups if confidentiality is typically required.

Example: support groups for alcohol and drugs or family violence typically require confidentiality.
- (9) In collecting the information outlined in subclause (7), an employer must:
 - (a) use reasonable endeavours to protect the personal information from use or disclosure other than in accordance with a request made by an Authorised Officer; and
 - (b) destroy the information as soon as reasonably practicable following 28 days after the attendance at the Work Premises, unless another statutory requirement permits or requires the personal information to be retained.

Density quotient (Density quotient)

- (10) In any shared spaces (such as lunchrooms) and publicly accessible areas at the Work Premises, an employer must comply with the **density quotient** for each shared space and each publicly accessible area.
- (11) The **density quotient** for the purposes of subclause (10) limits:
- (a) the number of people who are permitted in a shared space; and
 - (b) the number of **members of the public** who are permitted in a publicly accessible space,
at any one time to the number calculated by dividing the total accessible space (measured in square metres) by 4 and:
 - (c) for an indoor space applies to each single undivided space permitted to operate under these directions; and
 - (d) for an **indoor zone** applies to each indoor zone within an indoor space permitted to operate under these directions; and
 - (e) in relation to a publicly accessible space, for an outdoor space, market or retail shopping centre, 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.

Signage requirements (signage requirement)

- (12) Where a Work Premises has a publicly accessible space, an employer must display a sign at each public entry to each such space that includes a statement specifying the maximum number of members of the public that may be present in the space at a single time, being 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.*
- (13) A person who owns, operates or controls a market stall, market or retail shopping centre must:
- (a) limit the number of members of the public permitted by the density quotient as it applies respectively to the market stall, market or the retail shopping centre; and
 - (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.

Cleaning requirements (cleaning requirement)

- (14) An employer must take all reasonable steps to ensure that shared spaces at which work is performed and areas accessible to members of the public at any Work Premises are **cleaned** on a regular basis, including:
- (a) frequently touched surfaces, 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 are cleaned between groups; and
Example: cleaning surfaces between shifts of workers
- (e) surfaces are cleaned immediately after a spill on the surface.
- (15) To ensure a surface is **cleaned** for the purposes of these directions, 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.
- (16) A person who owns, operates or controls a market stall, market or retail shopping centre must comply with the cleaning requirement respectively for the market stall, market or the **common areas** of the retail shopping centre.

Reducing work across multiple sites

- (17) Subject to subclause (18), an employer must not require or permit a worker to perform work at more than one Work Premises of the employer.
- (18) Subclause (17) does not apply where it is not practicable to limit a worker to only one Work Premises.
Examples: healthcare and social care workers, tradespeople performing essential repairs.
- (19) Where subclause (18) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of workers working across multiple Work Premises.
Example: rosters.
- (20) If a worker is working at more than one Work Premises for two or more different employers:
 - (a) the worker must provide a written declaration to each employer to advise them that the worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
 - (b) each employer must maintain a record of all workers who have disclosed to the employer under subclause (20)(a) that they are working across more than one Work Premises.

8 Responding to a suspected case of 2019-nCoV in a Work Premises

- (1) An employer must not require a worker to perform work at a Work Premises if the worker is displaying one or more **2019-nCoV Symptoms**.
- (2) As soon as practicable after becoming aware of a suspected case in a worker who has attended a Work Premises in the period commencing 48 hours prior to the onset of symptoms, an employer must:
 - (a) advise the worker to **self-isolate** immediately and support the worker in doing so, by either:
 - (i) directing the worker to travel home immediately (and providing support to the worker to do so); or
 - (ii) where the worker is unable to travel home immediately, directing the worker to isolate themselves at the Work Premises and, whilst doing so, to wear a face covering and remain at least 1.5 metres from any other person at the Work Premises, until the worker can return home later that day to self-isolate; and
Note: the worker should isolate in a separate room from other persons, where possible.
 - (b) advise the worker to be tested for 2019-nCoV as soon as practicable, and to self-isolate whilst awaiting the result of that test; and

- (c) take all reasonably practicable steps to manage the risk posed by the suspected case, including but not limited to:
 - (i) cleaning areas of the Work Premises used by the suspected case (including their personal workspace and any areas in the Work Premises frequently used by the suspected case);
 - (ii) cleaning high-touch surfaces at the Work Premises likely to have been frequented by the suspected case; and

Examples: lift buttons, door handles, washroom facilities, kitchen facilities, water coolers. For further information, see the guidance at <https://www.dhhs.vic.gov.au/cleaning-and-disinfecting-reduce-covid-19-transmission-tips-non-healthcare-settings>.
 - (d) ensure appropriate records are maintained in accordance with clause 7(7) in order to support contact tracing if the suspected case becomes a confirmed case, particularly from the period commencing 48 hours prior to the onset of symptoms in the suspected case; and

Note: this will include, for example, rosters and worker details, and details of all visitors to the Work Premises, to ascertain which persons were present at the Work Premises and who they may have come into contact with.
 - (e) inform all workers (including the **health and safety representative**) to be vigilant about the onset of symptoms of 2019-nCoV and advise all workers to be tested for 2019-nCoV and self-isolate if they become symptomatic.
- (3) If an employer becomes aware of three or more suspected cases at one Work Premises within a five day period, the employer must, as soon as practicable, undertake a risk assessment to determine whether the Work Premises (or the relevant parts of the Work Premises) must be closed to allow appropriate action to be taken.

Note: appropriate action may include, but is not limited to, vacating the Work Premises to allow a comprehensive clean to be undertaken and the Work Premises to then be re-opened pending the outcome of 2019-nCoV test results. Guidance on undertaking a risk assessment, and implementing appropriate action, will be provided by the Department to assist in conducting this risk assessment.

9 Responding to a confirmed case of 2019-nCoV in a Work Premises

- (1) In these directions, in respect of a worker who has tested positive to 2019-nCoV, **Relevant Period** means the period commencing 48 hours prior to:
 - (a) the onset of symptoms of 2019-nCoV in the worker, if symptomatic; or
 - (b) the worker having been tested for 2019-nCoV, if asymptomatic.
 and up to the **diagnosed person** receiving clearance from the Department.
- (2) A worker who has received a positive test result for 2019-nCoV must, as soon as practicable, notify the employer of any Work Premises which the worker has attended in the Relevant Period.
- (3) As soon as practicable after becoming aware of a confirmed case who has attended the Work Premises in the Relevant Period, the employer must:
 - (a) notify the Department and WorkSafe in accordance with the **Occupational Health and Safety (COVID-19 Incident Notification) Regulations 2020** and the health and safety representative at the Work Premises; and
 - (b) to the extent not already completed, direct the **diagnosed worker** not to attend the Work Premises and advise them to self-isolate in accordance with clause 8(2)(a); and
 - (c) undertake a risk assessment to determine whether the Work Premises (or the relevant part of the Work Premises in which the diagnosed worker worked in the Relevant Period) must be closed to allow cleaning and contact tracing to occur or whether the risk can be managed whilst the Work Premises (or part of it) continues to operate; and

- (d) undertake a comprehensive clean of the Work Premises (or the relevant part of the Work Premises in which the diagnosed worker worked in the Relevant Period, and any high touch areas likely to have been touched by the diagnosed worker) in accordance with guidelines published by the Department; and

Note: online guidance from the Department can be obtained from the following link: <https://www.dhhs.vic.gov.au/cleaning-and-disinfecting-reduce-covid-19-transmission-tips-non-healthcare-settings>.

- (e) consult with the diagnosed worker and examine the employer's own records to determine any **close contacts** of the diagnosed worker at the Work Premises within the Relevant Period and, where any close contacts are identified and the employer has the relevant contact details of the close contact:

Note: for record-keeping obligations to assist with identification of close contacts and contract tracing, see clause 7(7).

- (i) if the close contact is a worker, direct them to leave the Work Premises and advise them to **self-quarantine**; and

- (ii) if the close contact is not a worker, issue them a written communication to recommend that they self-quarantine in accordance with guidance from the Department; and

- (f) notify all workers when a worker has tested positive to 2019-nCov; and

- (g) inform all workers (including health and safety representatives) to be vigilant about the onset of symptoms of 2019-nCoV and advise all workers to be tested for 2019-nCoV and self-quarantine if they become symptomatic; and

- (h) put in place appropriate control / risk management measures to reduce the risk of spreading 2019-nCoV at the Work Premises; and

Note: employers are encouraged to ensure that any risks identified from the confirmed case are addressed in these control measures.

Examples: increasing the implementation and enforcement of control measures with respect to PPE (such as face coverings) and physical distancing.

- (i) contact the Department (or other entity nominated by the Department on its website) and:

- (i) notify it of the actions taken in accordance with subclauses (3)(a) to (h); and

- (ii) provide it with a copy of the risk assessment conducted in accordance with subclause (3)(c); and

- (iii) provide the Department (or other entity nominated by the Department) with contact details of any close contacts (whether or not workers) identified pursuant to subclause (3)(e); and

- (iv) comply with any further directions given by the Department or WorkSafe in relation to closure of the Work Premises (or part of the Work Premises) and/or cleaning; and

- (j) where the Work Premises (or part of the Work Premises) is closed, not re-open that Work Premises (or that part of the Work Premises which was closed) until all of the following have occurred:

- (i) the employer has complied with all of its obligations under subclauses (3)(a) to (i); and

- (ii) the Department has completed all relevant contact tracing; and

- (iii) the Department has given clearance for the Work Premises to re-open; and

- (iv) the employer has notified WorkSafe when the Work Premises is intended to be re-opened.

Note: employers must comply with their obligations under occupational health and safety laws, including notifying WorkSafe in accordance with the Occupational Health and Safety (COVID-19 Incident Notification) Regulations 2020.

9A Relationship with other directions

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.

10 Other definitions

For the purposes of these directions:

- (1) **2019-nCoV Symptoms** means symptoms consistent with 2019-nCoV, including but not limited to:
 - (a) a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°C (such as night sweats, chills);
 - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
 - (c) loss of smell; and/or
 - (d) loss of taste;
- (2) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (3) **cleaned** has the meaning in clause 7(15);
- (4) **cleaning requirement** has the meaning in clauses 7(14) to (16) (both inclusive);
- (5) **close contact** means any person who has had contact greater than 15 minutes face-to-face, cumulative, or has shared a closed space for more than two hours, with a **confirmed case** during the **Relevant Period**;
- (6) **common areas of a retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (7) **confirmed case** means a diagnoses of 2019-nCoV in a **worker** at the **Work Premises**;
- (8) **Department** means the Department of Health and Human Services of Victoria;
- (9) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 10)**;
- (10) **diagnosed worker** means a **worker** who is a **diagnosed person**;
- (11) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (12) **Directions currently in force** has the same meaning as in the **Area Directions (No. 7)**;
- (13) **employee** includes a person who is self-employed;
- (14) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed;
- (15) **health and safety representative** has the same meaning as in the **OHS Act**;
- (16) **indoor space** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne) (No. 3)**;
- (17) **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;

- (18) **inspector** has the same meaning as in the **OHS Act**;
- (19) **market** means a public market, whether indoor or outdoor, including a food market;
- (20) **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;
- (21) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (22) **outbreak** means:
- (a) a single confirmed case of 2019-nCoV in a resident, staff member or frequent attendee of residential aged care facilities (RACF); or
 - (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;
- Note: transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. Also, in some circumstances, the Department may identify other settings that are sensitive and where a single confirmed case will trigger an outbreak response. Relevant parties will be informed if this occurs. Determining whether a person is a frequent or infrequent visitor may be based on frequency of visits, time spent in the setting, and number of contacts within the setting.*
- (23) **outdoor space** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne (No. 3))**;
- (24) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (25) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (26) **PPE** means personal protective equipment;
- (27) **premises** has the same meaning as in the **PHW Act**;
- (28) **reasonably practicable** is to have its ordinary and common sense meaning;
- (29) **records requirement** has the meaning in clause 7(7) to 7(9) (both inclusive);
- (30) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (31) **Relevant Period** has the meaning given in clause 9(1);
- (32) **Restricted Area** has the meaning in the **Area Directions (No. 7)**;
- (33) **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;
- (34) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (35) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 10)**;
- (36) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 10)**;
- (37) **signage requirement** has the meaning in clauses 7(12) and 7(13);
- (38) **suspected case** means a person who is displaying one or more **2019-nCoV Symptoms**;
- (39) **vehicle** has the same meaning as in the **PHW Act**;
- (40) **Work Premises** means the **premises** of an **employer** in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- Note: this includes a community facility such as a community centre or community hall, or a public library, or a place of worship.*
- (41) **WorkSafe** means WorkSafe Victoria;
- (42) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work.

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 16 August 2020

DR FINN ROMANES
Public Health Commander,
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 PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Workplace (Additional Industry Obligations) Directions (No. 4)**

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and 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 presence of a person with a positive diagnosis of Novel Coronavirus 2019 (**2019-nCoV**) at a **Work Premises** is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to limit the number of Victorians attending certain Work Premises to assist in reducing the frequency and scale of **outbreaks** of 2019-nCoV in Victorian workplaces and to establish additional specific obligations on **employers** and **workers** in specific industries in relation to managing the risk associated with 2019-nCoV.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions are intended to supplement any obligation an employer may have under the **OHS Act**, the **Workplace Directions (No. 3)** and the **Permitted Worker Permit Scheme Directions (No. 4)** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace (Additional Industry Obligations) Directions (No. 3)** and further clarify existing obligations and impose additional obligations.

2 Citation

- (1) These directions may be referred to as the **Workplace (Additional Industry Obligations) Directions (No. 4)**.
- (2) The **Workplace (Additional Industry Obligations) Directions (No. 3)** are revoked at 11:59:00 pm on 16 August 2020.

3 Deleted clause**4 Commencement**

These directions commence at 11:59:00 pm on 16 August 2020 and end at 11:59:00 pm on 13 September 2020.

5 Application of directions to certain employers and roles

- (1) These directions apply to **Additional Obligation Industries**, namely:
 - (a) **poultry processing facilities**; and
 - (b) **abattoirs and meat processing facilities**; and
 - (c) **seafood processing facilities**; and
 - (d) **supermarkets**; and
 - (e) **medical supply, pharmaceutical supply and personal protective equipment supply facilities**; and
 - (f) **warehousing and distribution centres**; and
 - (g) **construction**; and
 - (h) **retail facilities**.

Note: each of these industries is described in the document titled 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 (as amended from time to time by the Victorian Government) in the following categories in square brackets:

- *Poultry processing facilities [Meat and meat product manufacturing];*
 - *Abattoirs and meat processing [Meat and meat product manufacturing];*
 - *Seafood processing [Seafood processing];*
 - *Supermarket businesses [Supermarkets and grocery shops, including all food and liquor shops; Transport, postal and warehousing];*
 - *Medical supply, pharmaceutical supply and personal protective equipment supply facilities [Manufacturing of pharmaceutical and blood products; Manufacturing of medical equipment, consumables and personal protective equipment (PPE), including the manufacturing and supply of cloth masks and required raw materials];*
 - *Warehousing and distribution centres [Transport, postal and warehousing];*
 - *Construction [Construction].*
- (2) These directions apply to Additional Obligation Industries Work Premises that are located:
- (a) in relation to poultry processing facilities, abattoirs and meat processing facilities and seafood processing facilities, anywhere in Victoria; and
 - (b) in relation to all other Additional Obligation Industries not referred to in subclause (2)(a), in the **Restricted Area**.
- (3) The limits on the number of workers imposed in these directions apply in relation to roles carried out by a worker at the Work Premises including (but not limited to):
- (a) owner;
 - (b) manager;
 - (c) persons carrying out roles necessary to the functioning of the Work Premises;
 - (d) security personnel;
 - (e) any other person engaged or permitted by an employer to perform work at the Work Premises,
- but does not apply insofar as it relates to workers:
- (f) where it is **reasonably practicable** for those workers to work from home; or
*Note: clause 6 of the **Workplace Directions (No. 3)** requires that an employer must not permit a worker to perform work at the Work Premises where it is reasonably practicable for the worker to work at the worker's place of residence or another suitable **premises** which is not the Work Premises.*
 - (g) undertaking emergency repairs and emergency maintenance; or
 - (h) whose role primarily relates to:
 - (i) carrying out the **cleaning requirements** in relation to the Work Premises; or
 - (ii) assurance activities related to the employer meeting their obligations under the **Workplace Directions (No. 3)** or these directions; or
 - (i) in relation to Work Premises that are **construction sites**, suppliers or workers transporting supplies to the construction site, where those workers are only on the construction site for such period of time as is reasonably necessary to deliver the supplies to the construction site.
- (4) Workers that provide architecture, surveying, building inspection and engineering services must work from home where reasonably practicable. Where these workers are required to attend Work Premises for inspection and safety purposes, they are counted as workers for the purposes of subclause (3).

- (5) Workers under subclause (4) who need to move between sites must not visit more than three Work Premises per week, except where those visits are required to meet a minimum statutory obligation or requirement.
- (6) The **daily peak workforce capacity** is the daily average of the highest number of workers at the Work Premises each day calculated over the period of:
 - (a) July 2020; or
 - (b) any three consecutive months in the last 12 months.
- (7) The **daily total workforce capacity** is the daily average of the total number of workers at the Work Premises each day over the period of:
 - (a) July 2020; or
 - (b) any three consecutive months in the last 12 months.

Example 1:

On one day, a distribution business had workers working over two shifts:

(a) 6:00 am to 2:00 pm: 120 employees

(b) 12:00 pm to 8:00 pm: 150 employees

During the crossover of the two shifts, the business had 270 workers working at the Work Premises at any one time – this is the daily peak workforce capacity on this day. Over the two shifts, the Work Premises had 270 workers working in total – this is the daily total workforce capacity on this day.

The same calculation is undertaken for each day of either July 2020 or any continuous three-month (13 week) consecutive period in the last 12 months. These figures are then averaged over the period to calculate the daily peak workforce capacity and the daily total workforce capacity over the period.

Example 2:

On one day, a meat processing business had people on the Work Premises, including employees, contractors and labour hire, working over three shifts with no cross-over of workers:

(a) 4:00 am to 10:00 am: 120 workers

(b) 10:30 am to 4:30 pm: 100 workers

(c) 5:00 pm to 11:00 pm: 80 workers

The daily peak workforce capacity on this day is 120 workers. Over the three shifts, the business had 300 workers working in total – this is the daily total workforce capacity on this day.

6 High Risk COVIDSafe Plan

- (1) Each Additional Obligation Industry Work Premises (except for retail facilities) must have a **High Risk COVIDSafe Plan**.
- (2) A **High Risk COVIDSafe Plan** is comprised of:
 - (a) a COVIDSafe Plan completed in accordance with the requirements in the **Workplace Directions (No. 3)** (regardless of whether an Additional Obligation Industry is required to have a COVIDSafe Plan under the **Workplace Directions (No. 3)**); and
 - (b) an Additional Obligation Industry attachment to the COVIDSafe Plan for the relevant industry in the form specified on the Business Victoria website.
- (3) The employer and the employer's workers must comply with the High Risk COVIDSafe Plan.
- (4) An employer must:
 - (a) comply with any direction given by an **Authorised Officer** or WorkSafe **inspector** to modify a High Risk COVIDSafe Plan, including:
 - (i) following an outbreak of **confirmed cases** of 2019-nCoV at a Work Premises;
 - (ii) if the Authorised Officer considers that the High Risk COVIDSafe Plan is not fit for purpose; and
 - (b) implement any modifications required in accordance with subclause 4(a).

Record-keeping obligations

- (5) An employer must keep records to demonstrate compliance with these directions, including (but not limited to):
- (a) the High Risk COVIDSafe Plan;
 - (b) all logs created during the time these directions are in place;
 - (c) Work Premises rosters;
 - (d) time and attendance records;
 - (e) payroll data;
 - (f) records of all workers and all visitors who attend the Work Premises in accordance with the **records requirement**.

Compliance

- (6) An Authorised Officer or inspector (or their nominated representative) may conduct:
- (a) an inspection of a Work Premises; or
 - (b) an inspection or audit of the records of an employer,
- to assess an employer's compliance with these directions.

Consultation

- (7) An employer in relation to an Additional Obligation Industry Work Premises (except for retail facilities) must, to the extent reasonably practicable, consult with health and safety representatives, together with workers who are, or are likely to be, directly affected:
- (a) to identify or assess risks to health or safety at a workplace; and
 - (b) to make decisions about the measures to be taken to control risks to health and safety; and
 - (c) to determine if the risks identified under subclause (7)(a) is either under the employer's management and control or arises from the employer's conduct; and
 - (d) to make decisions about the adequacy of facilities for the welfare of workers; and
 - (e) in making decisions about procedures to resolve health and safety issues, including (but not limited to):
 - (i) procedures around health and safety consultation itself;
 - (ii) procedures to monitor the health of workers and the conditions of the workplace;
 - (iii) procedures to provide information and training to workers; and
 - (f) by a change to:
 - (i) the workplace; or
 - (ii) the plant, substances, or other things used at a workplace; or
 - (iii) the conduct of work performed at the workplace.

7 Additional Industry Obligations

- (1) An employer in relation to an Additional Obligation Industry Work Premises (except for retail facilities) must:
- (a) have a **personal protective equipment** training plan in place as soon as reasonably practicable after 11 August 2020 that:
 - (i) is consistent with best practice training plans; and
 - (ii) is provided to workers in multiple formats (for example, infographics and text); and

- (iii) is accessible for multilingual workers;
Note: use of pre-existing materials and other guidance is acceptable.
- (b) have a cleaning log on display in all shared workplaces and publicly accessible areas which sets out:
 - (i) the dates, times and frequency with which the relevant area has been **cleaned**, including frequently touched surfaces, toilets and handrails; and
 - (ii) shifts or other relevant worker group changes (where applicable) to show that relevant areas have been cleaned in between shift changes;
- (c) require workers to declare in writing at the start of each shift but before entering a Work Premises that the worker:
 - (i) is free of 2019-nCoV related symptoms;
 - (ii) has not been in contact with a confirmed case; and
 - (iii) has not been directed to **self-isolate** or self-quarantine by an Authorised Officer.
- (2) Workers must not attend a Work Premises if they have been tested for 2019-nCoV because they are symptomatic whilst awaiting the result of that test or while their symptoms persist.
- (3) An employer in relation to an Additional Obligation Industry Work Premises (except for retail facilities and construction sites (noting these industries are still subject to obligations under the **Workplace Directions (No. 3)**)) must increase the regularity of comprehensive cleaning by ensuring all areas where workers are working are cleaned at least daily.

Additional health screening for abattoirs and meat processing facilities, poultry processing facilities and seafood processing facilities

- (4) In relation to a Work Premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility an employer must:
 - (a) ensure that all workers at the Work Premises wear the appropriate level of personal protective equipment:
 - (i) to carry out the functions of the worker's role; and
 - (ii) to mitigate the introduction of 2019-nCoV at the Work Premises including (but not limited to):
 - (A) at a minimum, wearing a surgical face mask;
 - (B) a face shield;
 - (C) suitable protective clothing which should be changed at the end of each shift and washed appropriately,unless it is not reasonably practicable to wear a surgical face mask, a face shield and/or protective clothing in the Work Premises or the nature of a worker's work means that it creates a risk to their health and safety; and
 - (b) subject to subclause (36)(e), ensure that workers do not work across multiple Work Premises, in accordance with the requirements in clauses 7(17) to (20) of the **Workplace Directions (No. 3)**; and
 - (c) test the temperature of each worker each day before they enter the Work Premises and if the worker's temperature is 37.5°C or more, direct the worker to:
 - (i) leave the Work Premises immediately; and

- (ii) be tested for 2019-nCoV; and
 - (iii) self-isolate until a negative test result is received; and
 - (d) advise workers to be tested for 2019-nCoV if symptomatic and to self-isolate whilst awaiting the result of that test; and
 - (e) follow any directions from the Department of Health and Human Services in relation to observing workers for symptoms and testing of workers.
- (5) A worker who attends a Work Premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility must not travel in a **vehicle** with another person with whom they do not ordinarily reside unless it is not otherwise reasonably practicable for either person to leave their **premises** for a purpose permitted under the **Stay at Home Directions (Restricted Areas) (No. 12)** or the **Stay at Home Directions (Non-Melbourne) (No. 3)** (as applicable).

Example: a person who does not hold a driver's licence may travel in a vehicle with another person with whom they do not ordinarily reside for the purposes of attending a Work Premises if it is not reasonably practicable for them to get there another way.

Poultry processing facilities

- (6) An employer may only operate a Work Premises that is a poultry processing facility if it reduces the daily peak workforce capacity and daily total workforce capacity for that Work Premises by 20 percent or to 25 workers, whichever is higher.
- (7) The **Chief Veterinary Officer** may grant an exemption in writing to the requirements of subclause (6).

Example: the Chief Veterinary Officer may grant an exemption in circumstances where an outbreak requires the closure of a poultry processing facility, requiring other poultry processing facilities to 'scale-up' capacity.

Poultry processing facilities in the Relevant Area

- (8) An employer may only operate a Work Premises that is a poultry processing facility in the **Relevant Area** by reducing:
- (a) the daily peak workforce capacity and the daily total workforce capacity in accordance with subclause (6); or
 - (b) the **weekly peak workforce capacity** and **weekly total workforce capacity** by 20 per cent or to 25 workers, whichever is higher, if animal welfare issues exist that need to be managed and the employer has notified the Chief Veterinary Officer.
- (9) The Chief Veterinary Officer may grant an exemption in writing to the requirements of subclause (8).

Example: the Chief Veterinary Officer may grant an exemption in circumstances where an outbreak requires the closure of a poultry processing facility, requiring other poultry processing facilities to 'scale-up' capacity.

- (10) In relation to a Work Premises that is a poultry processing facility in the Relevant Area, the **weekly peak workforce capacity** is calculated by taking the average of the peak number of workers at the Work Premises over a seven-day period, averaged across all weeks in:
- (a) July 2020 (the weeks starting 29 June 2020 and ending 2 August 2020); or
 - (b) any three-month (13 week) consecutive period in the last 12 months,
- but will only include the days of a week that the poultry processing facility would normally operate.

Example:

Over one week, a poultry processing facility had staff working over three shifts with no cross-over of staff on five days:

4.00 am to 10.00 am: 120 staff

10.30 am to 4.30 pm: 100 staff

5.00 pm to 11.00 pm: 80 staff

The weekly average peak workforce capacity for this week is the average of the five daily peaks, which is 120 workers.

Undertake the same calculation for every week of either July 2020 (the weeks starting 29 June 2020 to 2 August 2020), or any 13-week continuous period in the last 12 months. Then, find the average of these figures to calculate the weekly peak workforce over the period.

- (11) In relation to a Work Premises that is a poultry processing facility in the Relevant Area, the **weekly total workforce capacity** is calculated by taking the sum of the daily number of workers at the Work Premises over a seven-day period, averaged across all weeks in:
- (a) July 2020 (the weeks starting 29 June 2020 and ending 2 August 2020); or
 - (b) any three-month (13 week) consecutive period in the last 12 months,
- but will only include the days of a week that the poultry processing facility would normally operate.

Example:

On one day, a poultry processing facility had people onsite, including employees, contractors and labour hire, working over three shifts with no cross-over of staff:

4.00 am to 10.00 am: 120 staff

10.30 am to 4.30 pm: 100 staff

5.00 pm to 11.00 pm: 80 staff

The daily total workforce capacity on this day is 300 workers. If it ran this shift structure over five days, the weekly total workforce would be 1,500.

Undertake the same calculation for every week of either July 2020 (the weeks starting 29 June 2020 to 2 August 2020), or any 13-week continuous period in the last 12 months. Then, find the average of these figures to calculate the weekly total workforce over the period.

Abattoirs and meat processing facilities

- (12) An employer may only operate a Work Premises that is an abattoir or meat processing facility if it reduces the daily peak workforce capacity and daily total workforce capacity by 33 per cent or to 25 workers, whichever is higher.
- (13) The Chief Veterinary Officer may grant an exemption in writing to the requirements of subclause (12).

Example: the Chief Veterinary Officer may grant an exemption in circumstances where an outbreak requires the closure of an abattoir or meat processing facility, requiring other abattoirs or meat processing facilities to 'scale-up' capacity.

Abattoirs and meat processing facilities in the Relevant Area

- (14) An employer may only operate a Work Premises that is an abattoir or meat processing facility in the Relevant Area by reducing:
- (a) the daily peak workforce capacity and the daily total workforce capacity in accordance with subclause (12); or
 - (b) the weekly peak workforce capacity and weekly total workforce capacity by 33 per cent or to 25 workers, whichever is higher, if animal welfare issues exist that need to be managed and the employer has notified the Chief Veterinary Officer.
- (15) The Chief Veterinary Officer may grant an exemption in writing to the requirements of subclause (14).

Example: the Chief Veterinary Officer may grant an exemption in circumstances where an outbreak requires the closure of an abattoir or meat processing facility, requiring other abattoirs or meat processing facility to 'scale-up' capacity.

- (16) In relation to a Work Premises that is an abattoir or meat processing facility in the Relevant Area, the weekly peak workforce capacity is calculated by taking the average of the peak number of workers at the Work Premises over a seven-day period, averaged across all weeks in:

- (a) July 2020 (the weeks starting 29 June 2020 and ending 2 August 2020); or
 - (b) any three-month (13 week) consecutive period in the last 12 months,
- but will only include the days of a week that the abattoir or meat processing facility would normally operate.

Example:

Over one week, a meat processing facility had staff working over three shifts with no cross-over of staff on five days:

4.00 am to 10.00 am: 120 staff

10.30 am to 4.30 pm: 100 staff

5.00 pm to 11.00 pm: 80 staff

The weekly average peak workforce capacity for this week is the average of the five daily peaks, which is 120 workers.

Undertake the same calculation for every week of either July 2020 (the weeks starting 29 June 2020 to 2 August 2020), or any 13-week continuous period in the last 12 months. Then, find the average of these figures to calculate the weekly peak workforce over the period.

- (17) In relation to a Work Premises that is an abattoir or meat processing facility in the Relevant Area, the weekly total workforce capacity is calculated by taking the sum of the daily number of workers at the Work Premises over a seven-day period, averaged across all weeks in:
- (a) July 2020 (the weeks starting 29 June 2020 and ending 2 August 2020); or
 - (b) any three-month (13 week) consecutive period in the last 12 months,
- but will only include the days of a week that the abattoir or meat processing facility would normally operate.

Example:

On one day, a meat processing facility had people onsite, including employees, contractors and labour hire, working over three shifts with no cross-over of staff:

4.00 am to 10.00 am: 120 staff

10.30 am to 4.30 pm: 100 staff

5.00 pm to 11.00 pm: 80 staff

The daily total workforce capacity on this day is 300 workers. If it ran this shift structure over five days, the weekly total workforce would be 1,500.

Undertake the same calculation for every week of either July 2020 (the weeks starting 29 June 2020 to 2 August 2020), or any 13-week continuous period in the last 12 months. Then, find the average of these figures to calculate the weekly total workforce over the period.

Seafood processing facilities

- (18) An employer may only operate a Work Premises that is a seafood processing facility if it reduces the daily peak workforce capacity and daily total workforce capacity by 33 percent or to 40 workers, whichever is higher.
- (19) The Chief Veterinary Officer may grant an exemption in writing to the requirements of subclause (18).

Example: the Chief Veterinary Officer may grant an exemption in circumstances where an outbreak requires the closure of a seafood processing facility, requiring other seafood processing facilities to 'scale-up' capacity.

Seafood processing facilities in the Relevant Area

- (20) An employer may only operate a Work Premises that is a seafood processing facility in the Relevant Area by reducing:
- (a) the daily peak workforce capacity and the daily total workforce capacity in accordance with subclause (18); or
 - (b) the weekly peak workforce capacity and weekly total workforce capacity by 33 per cent or to 40 workers, whichever is higher, if animal welfare issues exist that need to be managed and the employer has notified the Chief Veterinary Officer.

- (21) The Chief Veterinary Officer may grant an exemption in writing to the requirements of subclause (20).

Example: the Chief Veterinary Officer may grant an exemption in circumstances where an outbreak requires the closure of a seafood processing facility, requiring other seafood processing facilities to 'scale-up' capacity.

- (22) In relation to a Work Premises that is a seafood processing facility in the Relevant Area, the weekly peak workforce capacity is calculated by taking the average of the peak number of workers at the Work Premises over a seven-day period, averaged across all weeks in:

- (a) July 2020 (the weeks starting 29 June 2020 and ending 2 August 2020); or
(b) any three-month (13 week) consecutive period in the last 12 months, but will only include the days of a week that the seafood processing facility would normally operate.

Example:

Over one week, a seafood processing facility had staff working over three shifts with no cross-over of staff on five days:

4.00 am to 10.00 am: 120 staff

10.30 am to 4.30 pm: 100 staff

5.00 pm to 11.00 pm: 80 staff

The weekly average peak workforce capacity for this week is the average of the five daily peaks, which is 120 workers.

Undertake the same calculation for every week of either July 2020 (the weeks starting 29 June 2020 to 2 August 2020), or any 13-week continuous period in the last 12 months. Then, find the average of these figures to calculate the weekly peak workforce over the period.

- (23) In relation to a Work Premises that is a seafood processing facility in the Relevant Area, the weekly total workforce capacity is calculated by taking the sum of the daily number of workers at the Work Premises over a seven-day period, averaged across all weeks in:

- (a) July 2020 (the weeks starting 29 June 2020 and ending 2 August 2020); or
(b) any three-month (13 week) consecutive period in the last 12 months, but will only include the days of a week that the seafood processing facility would normally operate.

Example:

On one day, a seafood processing facility had people onsite, including employees, contractors and labour hire, working over three shifts with no cross-over of staff:

4.00 am to 10.00 am: 120 staff

10.30 am to 4.30 pm: 100 staff

5.00 pm to 11.00 pm: 80 staff

The daily total workforce capacity on this day is 300 workers. If it ran this shift structure over five days, the weekly total workforce would be 1,500.

Undertake the same calculation for every week of either July 2020 (the weeks starting 29 June 2020 to 2 August 2020), or any 13-week continuous period in the last 12 months. Then, find the average of these figures to calculate the weekly total workforce over the period.

Supermarkets and perishable food warehouses and distribution facilities

- (24) In relation to supermarkets and perishable food warehouses and distribution facilities:

- (a) **supermarket Work Premises** means the total of all supermarket retail and distribution facilities;
(b) **perishable food Work Premises** means:
(i) a Work Premises that is predominantly a perishable food facility; and
(ii) the total of all perishable food goods supply chain;

- (c) **supermarket or perishable food daily peak workforce capacity** means the daily peak workforce capacity of a supermarket Work Premises or perishable food Work Premises (as the case may be) predominantly dedicated to distribution activities;
- (d) **supermarket or perishable food daily total workforce capacity** means the daily total workforce capacity of a supermarket Work Premises or perishable food Work Premises (as the case may be) predominantly dedicated to distribution activities.
- (25) An employer may only operate its supermarket Work Premises or perishable food Work Premises if it reduces its supermarket or perishable food daily peak workforce capacity and supermarket or perishable food daily total workforce capacity by 33 percent across the supermarket or perishable food Work Premises.
- Example: if a supermarket distribution facility has a daily peak workforce capacity of 300 workers and a daily total workforce capacity of 600 workers, then the employer must reduce its daily peak workforce capacity by 100 workers and its daily total workforce capacity by 200 workers. However, these reductions can be made across any part of the supermarket Work Premises, not just at the distribution facility.*
- (26) In relation to any supermarket Work Premises or perishable food Work Premises that is a chilled distribution facility, an employer must ensure that all workers at the supermarket Work Premises or perishable food Work Premises (as applicable) wear a surgical face mask.
- (27) Where there is a risk to food supply, the Chief Executive Officer of Agriculture Victoria may recommend a variation to the requirements of subclause (25) for specific supermarket Work Premises and/or perishable food Work Premises, including any conditions on the variation, to the Chief Health Officer.
- (28) Upon considering a recommendation from the Chief Executive Officer of Agriculture Victoria under subclause (27), the Chief Health Officer may approve the recommendation and communicate that approval to the relevant employer.

Warehousing and distribution centres

- (29) Subject to subclause (30), an employer may only operate a Work Premises that is a warehousing and distribution centre if it reduces its daily peak workforce capacity by at least 33 percent and daily total workforce capacity by at least 10 percent.
- Note: subclause (29) does not apply to supermarket warehousing and distribution centres, which are dealt with under subclauses (24) and (25).*
- (30) The requirements of subclause (29) do not apply to workers whose primary place of work is not in the warehousing or distribution centre, including line haul or delivery drivers.
- (31) In relation to a Work Premises that is a chilled distribution facility in relation to warehousing and distribution centres, an employer must ensure that all workers at the Work Premises wear a surgical face mask.

Medical supply, pharmaceutical supply and personal protective equipment supply facilities

- (32) An employer may only operate a Work Premises that is a manufacturing, warehousing or distribution centre in relation to medical supply, pharmaceutical supply and personal protective equipment supply facilities if it reduces its daily peak workforce capacity and daily total workforce capacity by at least 33 percent.
- (33) A **medical supply, pharmaceutical supply and personal protective equipment supply facility Work Premises** means the total of all medical supply, pharmaceutical supply or protective personal equipment supply facilities operated by the employer. An employer may achieve the reduction specified in subclause (32) by reducing workers in any of its medical supply, pharmaceutical supply and personal protective equipment supply facility Work Premises.

Example: if a medical supply distribution facility has a daily peak workforce capacity of 300 workers and daily total workforce capacity of 600 workers, then the employer must reduce its daily peak workforce capacity by 100 workers and its daily total workforce capacity by 200 workers. However, these reductions can be made across any part of the medical supply Work Premises, not just at the distribution facility.

- (34) Subclauses (32) and (33) do not apply to a **pharmaceutical warehouse**.
- (35) In relation to a Work Premises that is a chilled distribution facility in relation to medical supply, pharmaceutical supply and personal protective equipment supply facilities, an employer must ensure that all workers at the Work Premises wear a surgical face mask.

Construction sites

- (36) In relation to construction sites:
- (a) a **construction site** is a Work Premises at which civil works, building or construction activities take place;
- (b) **critical and essential infrastructure** means:
- (i) construction or maintenance (including civil works, building or construction activities) of critical and essential infrastructure (whether privately or publicly funded) where the Victorian Government has deemed, and the Chief Health Officer has endorsed, that it is urgently required for the purposes of sustaining human health, safety and wellbeing, on a case by case basis; or
- (ii) activities deemed by the Victorian Government from time to time as “State Critical Infrastructure Projects”; or
- (iii) construction for the purposes of national security or defence;
- (c) the requirements of the **Workplace Directions (No. 3)** apply to Work Premises that are a construction site, including:
- (i) subject to subclause (40), the **density quotient**;
- (ii) the face coverings and cleaning requirements in the **Workplace Directions (No. 3)**;
- (d) an employer in relation to a Work Premises that is a construction site must comply with the applicable worker reductions for the construction site except in relation to:
- (i) critical and essential infrastructure; or
- (ii) critical repairs to any Work Premises where required for emergency and safety (as set out in the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: <https://www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19> as amended from time to time by the Victorian Government);
- (e) an employer must limit movement of all workers (including supervisors and on-site specialists) between multiple Work Premises that are construction sites, except in relation to:
- (i) supervisors on **small-scale construction sites**, who can move between multiple small-scale construction sites; or
- (ii) **specialist contractors** who can move between up to 3 construction sites per week; or
- (iii) specialists who provide safety services; or
- (iv) those required to meet minimum statutory obligations or requirements (for example, auditors, building inspectors or surveyors).

Small-scale construction sites

- (37) A **small-scale construction site** is a construction site other than a **large-scale construction site** or an **early stage land development site**.
- (38) An employer must not operate a Work Premises that is a small-scale construction site with more than 5 workers (excluding the site supervisor) at any one time.

Early stage land development sites

- (39) An **early stage land development site** comprises all civil works undertaken on open air, large greenfield sites that are associated with and preparatory to construction of multiple individual residential dwellings or industrial or commercial development on that site (including site remediation and site preparation works, construction of utilities and construction of roads, bridges, stormwater/flood management works and trunk infrastructure).
- (40) An employer may only operate a Work Premises that is an early stage land development site if there are 10 workers (or fewer) per hectare on the Work Premises at any one time.
- (41) For an early stage land development site that is:
- (a) a residential development, once subdivision occurs, the construction of a dwelling on that part of the early stage land development site will be considered a small-scale construction site; and
 - (b) a large-scale residential development (for example, a retirement village) with a single entity responsible for construction, once construction of dwellings has commenced it will be considered a large-scale construction site,
- for the purposes of these directions.
- (42) In relation to an early stage land development site that is an industrial or commercial development, once construction of a building, warehouse or physical structure has commenced it will be considered a large-scale construction site for the purposes of these directions.

Large-scale construction sites

- (43) A construction site is a **large-scale construction site** if it is:
- (a) for construction of a building where a planning permit has been issued in relation to the site for a building that is greater than three storeys tall (excluding basement level(s)); or
 - (b) the site size is more than 1,500m² floor size (inclusive of all floors); or
 - (c) construction of a premises that is predominantly for office use, or that is the internal fit-out of a retail premises; or
 - (d) construction of a premises that is predominantly for industrial or large format retail use; or
 - (e) deemed to be so under subclause (41)(41)(b) or (42).
- (44) The baseline daily workforce for a large-scale construction site is calculated based on the daily average number of workers on the large-scale construction site across the project lifecycle as derived from the large-scale construction site's resourcing plan as of 31 July 2020.
- (45) The project lifecycle commences from the date of on-site mobilisation and ends at handover.
- (46) An employer must not operate a large-scale construction site in excess of 25 percent of the large-scale construction baseline daily workforce or 5 workers, whichever is higher.

Retail facilities

- (47) An employer may only operate a Work Premises that is a **retail facility**:
- (a) for the purposes of fulfilling online orders; and
 - (b) if it reduces its daily peak workforce capacity and daily total workforce capacity by 33 percent.
- (48) If there is any inconsistency between subclause (47) and the **Restricted Activity Directions (Restricted Areas) (No. 8)** or the **Restricted Activity Directions (Non-Melbourne) (No. 3)**, subclause (47) is inoperative to the extent of the inconsistency.

7A Relationship with other directions

- (1) 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.
- (2) If there is any inconsistency between these directions and a direction or other requirement contained in the **Workplace Directions (No. 3)**, the **Workplace Directions (No. 3)** are inoperative to the extent of the inconsistency.

8 Other definitions

For the purposes of these directions:

- (1) **abattoir** has the meaning under the PrimeSafe licence categories “abattoirs (domestic)” and “abattoirs (exports)”;
- (2) **Additional Obligation Industries** has the meaning in clause 5(1);
- (3) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (4) **Chief Veterinary Officer** means the chief veterinary officer of the Department of Jobs, Precincts and Regions;
- (5) **cleaned** has the same meaning as in the **Workplace Directions (No. 3)**;
- (6) **cleaning requirement** has the same meaning as in the **Workplace Directions (No. 3)**;
- (7) **confirmed case** means a worker diagnosed with 2019-nCoV;
- (8) **construction site** has the meaning in clause 7(36)(a);
- (9) **critical and essential infrastructure** has the meaning in clause 7(36)(b);
- (10) **daily peak workforce capacity** has the meaning in clause 5(6);
- (11) **daily total workforce capacity** has the meaning in clause 5(7);
- (12) **density quotient** has the same meaning as in the **Workplace Directions (No. 3)**;
- (13) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (14) **Directions currently in force** has the same meaning as in the **Area Directions (No. 7)**;
- (15) **early stage land development site** has the meaning in clause 7(39);
- (16) **employee** includes a person who is self-employed;
- (17) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (18) **High Risk COVIDSafe Plan** has the meaning in clause 6(2);
- (19) **inspector** has the same meaning as in the **OHS Act**;
- (20) **large-scale construction site** has the meaning in clause 7(43);
- (21) **meat processing facility** has the meaning under the PrimeSafe licence category “further meat processing facilities”;

- (22) **medical supply, pharmaceutical supply, and personal protective equipment supply facility** means businesses that manufacture pharmaceutical and blood products, medical equipment, consumables and **personal protective equipment (PPE)**, including the manufacturing and supply of cloth masks and required raw materials;
- (23) **medical supply, pharmaceutical supply and personal protective equipment supply facility Work Premises** has the meaning in clause 7(33).
- (24) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (25) **outbreak** means:
- (a) a single confirmed case of 2019-nCoV in a resident, staff member or frequent attendee of a residential aged care facility; or
 - (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;
- Note: transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. In some circumstances, the Department of Health and Human Services may identify other settings that are sensitive and where a single confirmed case will trigger an outbreak response. Relevant parties will be informed if this occurs. Determining whether a person is a frequent or infrequent visitor may be based on frequency of visits, time spent in the setting, and number of contacts within the setting.*
- (26) **perishable food Work Premises** has the meaning in clause 7(24)(b);
- (27) **personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;
- (28) **pharmaceutical warehouse** means a warehouse that is licensed under the **Poisons and Therapeutic Goods Act 1966** of New South Wales for the supply of medicines listed under Schedules 2, 3, 4, and 8 and warehouses that distribute medical devices and consumables that are registered on the Australian Register of Therapeutic Goods;
- (29) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (30) **poultry processing facility** has the meaning under the PrimeSafe licence category “poultry meat processing facilities”;
- (31) **premises** has the same meaning as in the **PHW Act**;
- (32) **reasonably practicable** is to have its ordinary and common sense meaning;
- (33) **records requirement** has the same meaning as in the **Workplace Directions (No. 3)**;
- (34) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (35) **Restricted Area** has the same meaning as in the **Area Directions (No 7)**;
- (36) **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,
- but does not include a **retail shopping centre**;
- (37) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (38) **seafood processing facility** has the meaning under the PrimeSafe licence category “seafood processing facilities”;
- (39) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 10)**;
- (40) **small-scale construction site** has the meaning in clause 7(37);
- (41) **specialist contractor** means:
- (a) Asphalters;
 - (b) Carpenters;

- (c) Plasterers;
- (d) Carpet layers;
- (e) Sprinkler fitters;
- (f) Solar installers;
- (g) Security system installers;
- (h) Mobile Cranes – Operators and dogmen;
- (i) Electricians;
- (j) Plumbers, including roof plumbers;
- (k) Tile layers, including roof tilers;
- (l) Concreters;
- (m) Gold Class riggers;
- (n) Steel fixers;
- (o) Post Tensioners;
- (p) Vertical access riggers;
- (q) Welders;
- (r) Precast installers;
- (s) Caulkers;
- (t) Floor layers;
- (u) Window and glass installers/glaziers;
- (v) Engineers;
- (w) Floor installers;
- (x) Insulation installers;
- (y) Brick layers;
- (z) Joiners;
- (aa) Painters;
- (bb) Appliance installers;
- (cc) Water proofers;
- (dd) Cladding installers;
- (ee) Termite specialists;
- (ff) Mechanics who install and repair plant;
- (gg) Landscape architects;
- (hh) Renderers;
- (ii) Cabinet installers;
- (jj) Shower screen/mirror installers;
- (kk) Retaining wall specialists;
- (ll) Traffic engineers;
- (mm) Geotechnical specialists;
- (nn) Heritage and cultural heritage specialists;
- (oo) Sewer contractors;
- (pp) Earthworks and drainage specialists;
- (qq) Telecommunications installers;
- (rr) Gas contractors;

- (ss) Geotechnical specialists;
- (tt) Traffic engineers; flora and fauna specialists;
- (uu) Garage door installers;
- (42) **supermarket** has the same meaning as “supermarket business” in the **PHW Act**, and includes supermarket distribution;
- (43) **supermarket or perishable food daily peak workforce capacity** has the meaning in clause 7(24)(c);
- (44) **supermarket or perishable food daily total workforce capacity** has the meaning in clause 7(24)(d);
- (45) **vehicle** has the same meaning as in the **PHW Act**;
- (46) **weekly peak workforce capacity** has the meaning in clause 7(10);
- (47) **weekly total workforce capacity** has the meaning in clause 7(11);
- (48) **Work Premises** means the **premises** of an **employer** in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (49) **worker** includes **employees**, labour hire, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work.

9 Penalties

- (1) Section 210 of the PHW Act provides:

False or misleading information

- (1) A person must not –
- (a) give information that is false or misleading in a material particular; or
 - (b) make a statement that is false or misleading in a material particular; or
 - (c) produce a document that is false or misleading in a material particular—
- to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

Penalty: In the case of a natural person, 60 penalty units;

In the case of a body corporate, 300 penalty units.

Note: currently, 60 penalty units equals \$9,912.20 and 300 penalty units equals \$49,466.00.

- (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.

Penalty: In the case of a natural person, 60 penalty units;

In the case of a body corporate, 300 penalty units.

- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.

- (2) 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.

Note: currently, 120 penalty units equals \$19,826.40 and 600 penalty units equals \$99,132.00.

- (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.
- (3) A person who fails to comply with these directions is liable for an on-the-spot fine of:
 - (a) \$1,600 in the case of a natural person; or
 - (b) \$9,900 in the case of a body corporate.
- (4) Additionally, a person who fails to comply with these directions may in certain circumstances be liable to prosecution under the PHW Act for the maximum penalties outlined in subclause (2).

Dated 16 August 2020

DR FINN ROMANES
Public Health Commander,
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 PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Permitted Worker Permit Scheme and Access to Onsite Childcare/Kindergarten Permit Scheme
Directions (No. 4)**

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and 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**):

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 establish the **Permitted Worker Permit Scheme** and the **Access to Onsite Childcare/Kindergarten Permit Scheme**.
- (3) The Permitted Worker Permit Scheme details obligations on:
 - (a) **Permitted Employers** who operate a **Work Premises** in the **Restricted Area** or require an employee who ordinarily resides either in or outside the Restricted Area to attend a Work Premises; and
 - (b) employees who ordinarily reside in the Restricted Area to attend the Work Premises of a Permitted Employer,in relation to the Permitted Worker Permit Scheme, which are necessary to manage the risk associated with 2019-nCoV.
- (4) The Permitted Worker Permit Scheme is designed to allow Permitted Employers providing **Permitted Services** to operate during Stage 4 restrictions in Victoria, by issuing employees with a **Permitted Worker Permit** to work at a Work Premises during the **Permitted Worker Permit Scheme period**.
- (5) The Access to Onsite Childcare/Kindergarten Permit Scheme details the requirements for employees of Permitted Employers to access onsite **childcare or kindergarten services**.
- (6) These directions must be read together with the **Directions currently in force**.

2 Citation

- (1) These directions may be referred to as the **Permitted Worker Permit Scheme Directions (No. 4)**.
- (2) A reference in any approved form to the **Permitted Worker Permit Scheme Directions**, the **Permitted Worker Permit Scheme Directions (No. 2)** or the **Permitted Worker Permit Scheme Directions (No. 3)** is taken to be a reference to these directions.
- (3) The **Permitted Worker Permit Scheme Directions (No. 3)** are revoked at 11:59:00 pm on 16 August 2020.

PART 2 – PERMITTED WORKER PERMIT SCHEME**3 Permitted Worker Permit Scheme period**

For the purposes of these directions, the **Permitted Worker Permit Scheme period** is the period beginning at 11:59:00 pm on 16 August 2020 and ending at 11:59:00 pm on 13 September 2020.

4 Diagnosed Persons and Close Contacts

- (1) A person who is a **diagnosed person** or a **close contact** is not permitted to:
 - (a) hold a Permitted Worker Permit; or
 - (b) otherwise attend a Work Premises in reliance on any of the provisions contained in these directions.
- (2) If a person is notified that they are a diagnosed person or a close contact in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 10)**:
 - (a) they must immediately notify their employer; and
 - (b) they must not attend or remain at the Work Premises; and
 - (c) any Permitted Worker Permit is automatically revoked upon such notification.

*Note: once a person has been released or given clearance from self-isolation or self-quarantine in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 10)**, the terms of these directions will apply to them.*

5 Requirement to hold a Permitted Worker Permit to attend a Work Premises

- (1) Subject to the further requirements set out in subclause (2):
 - (a) in accordance with clauses 8(1)(a) and (2) of the **Stay at Home Directions (Restricted Areas) (No. 12)**, a person who ordinarily resides in the Restricted Area may only leave the **premises** where the person ordinarily resides to attend work (whether the work is paid or voluntary, including for charitable or religious purposes) if it is not **reasonably practicable** for the person to work from the premises at which they ordinarily reside; and
 - (b) in accordance with clauses 8(1)(a) and (2) of the **Stay at Home Directions (Non-Melbourne) (No. 3)**, a person who ordinarily resides in the **Relevant Area** may only leave the premises where the person ordinarily resides to attend work (whether the work is paid or voluntary, including for charitable or religious purposes) if it is not reasonably practicable for the person to work from the premises at which they ordinarily reside; and
 - (c) in accordance with clause 6 of the **Workplace Directions (No. 3)**, an employer must not permit a worker to perform work at the Work Premises where it is reasonably practicable for the worker to work at the worker's place of residence or another suitable premises which is not the Work Premises.
- (2) A person must not leave the premises at which they ordinarily reside:
 - (a) to attend a Work Premises in the Restricted Area (regardless of whether they ordinarily reside in the Restricted Area or not); or
 - (b) attend a Work Premises outside of the Restricted Area, if they ordinarily reside in the Restricted Area,unless:
 - (c) the person has been issued with, and has in their possession, photographic personal identification and a current Permitted Worker Permit issued by:
 - (i) a Permitted Employer to perform a Permitted Service where clause 6(1)(a) applies; or
 - (ii) an employer where the employee ordinarily resides in the Restricted Area and attends work at a Work Premises located in the Relevant Area where clause 6(1)(b) applies; or
 - (d) an exemption in clause 9 applies.
- (3) For the avoidance of doubt, these directions apply to persons who:
 - (a) ordinarily reside in the Restricted Area and are required to attend a Work Premises located within the Restricted Area; and

- (b) ordinarily reside in the Relevant Area and are required to attend a Work Premises located within the Restricted Area; and
- (c) ordinarily reside in the Restricted Area and are required to attend a Work Premises located in the Relevant Area.

Note: a current Permitted Worker Permit is required in each of these three scenarios.

6 Permitted Employers' duty to issue a Permitted Worker Permit

- (1) In circumstances where clause 5 applies, and subject to clause 9, prior to:
 - (a) an employee being permitted to attend work at a Work Premises located within the Restricted Area, a Permitted Employer, which conducts a Permitted Service; or
 - (b) an employee who ordinarily resides in the Restricted Area being permitted to attend work at a Work Premises located in the Relevant Area, their employer, must issue the employee with a Permitted Worker Permit, in the approved form.

Note 1: the approved Permitted Worker Permit form for a person attending work at a Work Premises located within the Restricted Area is available at: <https://www.dhhs.vic.gov.au/permitted-worker-permit-covid-19-doc>.

Note 2: the approved Permitted Worker Permit form for a person who ordinarily resides in the Restricted Area attending work at a Work Premises located in the Relevant Area is available at: <https://www.dhhs.vic.gov.au/permitted-worker-permit-regional-covid-19-doc>.

Note 3: a Permitted Employer is only permitted to issue a Permitted Worker Permit to their own employee or volunteer, and not to other persons working in their organisation who are not employees (such as an independent contractor or sub-contractor). The Permitted Employer of a sub-contractor is required to authorise that a person is required on-site and to issue that person with a Permitted Worker Permit.

- (1A) In circumstances where subclause (1)(b) applies, clauses 6(2) to 9 (inclusive) apply as if a reference to 'Permitted Employer' were a reference to 'employer', except that subclauses (3), (5)(g) and (h)(ii) do not apply and the reference in clause 9(1)(d) to subclause (5) is to be construed accordingly.
- (1B) Prior to a **prescribed student** being permitted to attend a **clinical placement** outside the premises at which they ordinarily reside, if the prescribed student is either attending the clinical placement:
 - (a) in the Restricted Area (regardless of whether they ordinarily reside in the Restricted Area or not); or
 - (b) in the Relevant Area, if the prescribed student ordinarily resides in the Restricted Area,

the prescribed student's **prescribed higher education provider** must issue the prescribed student with a Permitted Worker Permit, in the approved form.

Note 1: the approved Permitted Worker Permit form for a prescribed student is available at: <https://www.dhhs.vic.gov.au/permitted-worker-permit-higher-education-covid-19-doc>.

Note 2: if a prescribed student has already received a Permitted Worker Permit from the organisation at which they are completing their clinical placement, they may rely on this Permitted Worker Permit and are not required to obtain a Permitted Worker Permit from their prescribed higher education provider.

- (1C) In circumstances where subclause (1B) applies, clauses 6(4) to 9 (inclusive) apply as if a reference to:
 - (a) 'Permitted Employer' were a reference to the prescribed higher education provider;
 - (b) 'employee' were a reference to the prescribed student; and
 - (c) 'Work Premises' were a reference to the location of the prescribed student's clinical placement,

except that subclauses (5)(g) and (h)(ii) do not apply and the reference in clause 9(1)(d) to subclause (5) is to be construed accordingly.

- (2) In circumstances where clause 5 applies, and subject to clause 9, if a person does not have a Permitted Employer because they are self-employed, a sole-trader, an independent contractor or sub-contractor, or a person appointed to or holding a statutory office, the person must issue themselves with a Permitted Worker Permit in the approved form, signed as both the Permitted Employer and the employee.
- (3) An employer must be a Permitted Employer operating or conducting a Permitted Service in order to issue an employee with a Permitted Worker Permit.
- (4) A Permitted Employer must keep a record of all Permitted Worker Permits they have issued during the Permitted Worker Permit Scheme period. A Permitted Employer must, on request, produce this record to an **Authorised Officer**, a Victoria Police Officer or a Protective Services Officer.
- (5) The Permitted Worker Permit must, amongst other things:
 - (a) be in the approved form; and
 - (b) only include details that are, to the best of the Permitted Employer's and employee's knowledge, complete, accurate and not in any way false, misleading or deceptive; and
 - (c) record relevant details of the Permitted Employer including:
 - (i) the Permitted Employer's company name; and
 - (ii) the Permitted Employer's ABN and/or ACN; and
 - (iii) the Permitted Employer's company address; and
 - (iv) the Permitted Employer's trading name; and
 - (v) the address of the Work Premises at which the employee is required to work; and

Note: if there is more than one Work Premises at which the employee is required to attend, this must be accompanied by a record detailing, as far as reasonably practicable, the expected place, date and time of attendance by the employee.

 - (vi) contact details of the Permitted Employer (or an authorised representative of the Permitted Employer) including:
 - (A) contact name; and
 - (B) contact title and role in the business; and
 - (C) telephone number; and
 - (D) contact name and telephone number of a secondary representative of the Permitted Employer; and
 - (d) record relevant details of the employee including:
 - (i) the employee's full name; and
 - (ii) the employee's date of birth; and
 - (iii) the employee's address; and
 - (e) record the expected dates, hours and duration of work required to be performed by the employee (or, if those details are irregular, the possible dates, hours and duration of work likely to be performed); and
 - (f) record the expected rostered hours of work for the employee during the Permitted Worker Permit Scheme period (or, if those details are irregular, the possible dates, hours and duration of work likely to be performed); and
 - (g) record the Permitted Service the employee is required to provide; and
 - (h) include a signed declaration by the Permitted Employer (or an authorised representative of the Permitted Employer) certifying that:

- (i) the Permitted Employer has taken all reasonable steps to avoid the necessity for the employee to attend the Work Premises and is of the view that the employee's attendance at the Work Premises is required; and
 - (ii) the Permitted Employer's business is operating a Permitted Service; and
 - (iii) the Permitted Employer's Work Premises and work practices are compliant with all relevant legal obligations, including the public health directions issued under the PHW Act, in place at the relevant time, and the Permitted Employer's obligations under the **OHS Act** (or, where applicable, the **Work Health and Safety Act 2011** of the Commonwealth); and
 - (iv) the Permitted Employer has a COVIDSafe Plan, if required under the **Workplace Directions (No. 3)**; and
- Note: an employer is required to have a COVIDSafe Plan under the **Workplace Directions (No. 3)** if they require or permit work to be performed at a Work Premises in the Restricted Area, unless they have fewer than five workers attending the Work Premises.*
- (v) the Permitted Employer is and will otherwise be operating in accordance with any applicable directions issued under the PHW Act; and
 - (vi) the information contained within the Permitted Worker Permit is true and correct; and

Note 1: the Permitted Employer is not required to certify that the information provided by the employee under subclause (5)(i) is true and correct.

Note 2: the Permitted Employer (or an authorised representative of the Permitted Employer) may sign electronically.

- (i) include a signed declaration by the employee certifying that:
 - (i) their own name and address as contained in the Permitted Worker Permit are true and correct; and
 - (ii) their own work hours and place of work as contained in the Permitted Worker Permit are true and correct; and

Note: the employee may sign electronically.

- (j) be issued, signed and dated by the Permitted Employer (or an authorised representative of the Permitted Employer).

Note 1: the Permitted Worker Permit must be issued by a natural person residing in Victoria, unless there is no such person.

Note 2: the Permitted Employer (or an authorised representative of the Permitted Employer) may sign electronically.

7 Employer obligations

- (1) Subject to clause 9, an employer, including a Permitted Employer, must take all reasonable steps to ensure that a person does not enter, or remain on, their Work Premises if the person is prohibited from doing so by:
 - (a) clause 4; or
 - (b) the **Workplace Directions (No. 3)**; or
 - (c) clause 8.
- (2) An employer, including a Permitted Employer, must comply with any lawful direction given by an Authorised Officer, a Victoria Police Officer or a Protective Services Officer in relation to:
 - (a) these directions; or
 - (b) a Permitted Worker Permit that the employer has issued; or
 - (c) a worker at the employer's Work Premises.

- (3) Where a Permitted Employer requires work to be performed at a Work Premises, the Permitted Employer must keep a record of those who attend the Work Premises in accordance with the **Workplace Directions (No. 3)**.

8 Employee obligations

- (1) Subject to clause 9, a person must not enter, or remain at, a Work Premises:
- (a) in the Restricted Area; or
 - (b) in the Relevant Area, if the employee ordinarily resides in the Restricted Area, if they do not hold a current Permitted Worker Permit.
- (2) An employee must:
- (a) not leave the premises at which they ordinarily reside to attend work if the employee has not been issued with a current Permitted Worker Permit to attend the Work Premises; and
 - (b) carry the Permitted Worker Permit at all times at which they have left the premises at which they ordinarily reside to perform work; and
Note: a person may carry either a hardcopy or an electronic copy (or both) of the Permitted Worker Permit.
 - (c) carry photographic personal identification at all times at which they have left the premises at which they ordinarily reside to perform work.
- (3) An employee must, on request, produce to an Authorised Officer, a Victoria Police Officer or a Protective Services Officer photographic personal identification and a current Permitted Worker Permit:
- (a) when they have left the premises in which they ordinarily reside to perform work; and
 - (b) in relation to the employee's attendances at Work Premises.

9 Exemptions

- (1) An employee is permitted to travel to, and enter, a Work Premises, without a current Permitted Worker Permit where:
- (a) the primary purpose of the employee's travel and attendance at the Work Premises is to obtain their first Permitted Worker Permit from a Permitted Employer; or
 - (b) the employee is required to work from the Work Premises on short notice, rendering it impracticable for the employee to receive a current Permitted Worker Permit (or a Permitted Worker Permit that includes accurate details as to the employee's work hours or location) prior to attending the Work Premises. In these circumstances, the employee must carry a Permitted Worker Permit in relation to the same Permitted Employer which has expired, is incomplete or applies to another time period, so that if necessary the employee's Permitted Employer can be contacted to verify that the employee is required; or
 - (c) it is not reasonable for the employee to work from their ordinary place of residence because of a risk of harm (including harm relating to family violence or violence of another person at the premises); or
 - (d) in exceptional circumstances, if the employee is carrying a written document (other than in the approved form) that includes all of the details required in clause 6(5) and the approved form (without the employer's certification and signature).

- (2) An adult is permitted to travel to or from a Work Premises without a current Permitted Worker Permit in circumstances where they are transporting a dependant or a person they ordinarily reside with to or from the Work Premises in accordance with a current Permitted Worker Permit in relation to that dependant or other person.

Note: this encompasses circumstances where, for reasons including because of age, impairment, medical condition, disability, or other reasons, a person is not able to transport themselves to the Work Premises listed on their Permitted Worker Permit and require a parent, guardian, carer or other responsible adult to transport them to their Work Premises.

- (3) Subject to subclauses (4) and (5), the following persons are not required to be issued with, and to hold, a Permitted Worker Permit prior to entering, or remaining at, their Work Premises:
- (a) all Victoria Police employees, Australian Defence Force employees, Australian Criminal Intelligence Commission employees, Australian Border Force employees, Australian Federal Police employees and employees of government intelligence and security agencies;
 - (b) emergency service workers, which include officers and employees of:
 - (i) Ambulance Victoria; and
 - (ii) Australian Red Cross; and
 - (iii) Bushfire Recovery Victoria; and
 - (iv) Country Fire Authority; and
 - (v) Emergency Management Victoria; and
 - (vi) Emergency Services Telecommunications Authority; and
 - (vii) Fire Rescue Victoria; and
 - (viii) Forest Fire Management Victoria; and
 - (ix) Life Saving Victoria; and
 - (x) Marine Search and Rescue; and
 - (xi) Victoria State Emergency Service Authority; and
 - (xii) Victorian Institute of Forensic Medicine;
 - (c) hospital workers and health workers (including non-emergency patient transport workers);
 - (d) any class of person approved by the Chief Health Officer in writing and subject to any conditions specified by the Chief Health Officer.
- (4) A person is not required to have a Permitted Worker Permit under subclause (3) provided that they have photographic personal identification issued by the organisation which employs or engages them in the capacity set out in subclause (3) and which identifies the person's place of work in that capacity.
- (5) An employee of the category defined in subclause (3) must, on request, produce the photographic personal identification referred to in subclause (4) which identifies the person's place of work to an Authorised Officer, a Victoria Police Officer or a Protective Services Officer.

PART 3 – ACCESS TO ONSITE CHILDCARE/KINDERGARTEN PERMIT SCHEME

10 Access to Onsite Childcare/Kindergarten Permit Scheme period

For the purposes of these directions, the **Access to Onsite Childcare/Kindergarten Permit Scheme period** is the period beginning at 11:59:00 pm on 16 August 2020 and ending at 11:59:00 pm on 13 September 2020.

11 Diagnosed Persons and Close Contacts

- (1) A person who is a diagnosed person or a close contact is not permitted to hold an **Access to Onsite Childcare/Kindergarten Permit**.

- (2) If a person is notified that they are a diagnosed person or a close contact in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 10)** then their Access to Onsite Childcare/Kindergarten Permit is automatically revoked upon such notification.

*Note: once a person has been released or give clearance from self-isolation or self-quarantine in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 10)**, the terms of these directions will apply to them.*

12 Requirement to hold an Access to Onsite Childcare/Kindergarten Permit to access onsite childcare or kindergarten services

For an employee who ordinarily resides in the Restricted Area to access onsite childcare or kindergarten services (regardless of whether they do so in the Restricted Area) they must hold a current and valid Access to Onsite Childcare/Kindergarten Permit, unless an exemption under clause 15 applies.

13 Permitted Employers' duty to issue an Access to Onsite Childcare/Kindergarten Permit

- (1) For an employee who works:

- (a) within the Restricted Area and is providing a Permitted Service, their Permitted Employer which conducts a Permitted Service; or
(b) in the Relevant Area, their employer,

may issue an employee with an Access to Onsite Childcare/Kindergarten Permit, in the approved form, if the employee has attested that their child and/or dependant cannot otherwise be cared for during work hours by the employee or another responsible adult at the employee's ordinary place of residence.

Note 1: the approved Onsite Childcare/Kindergarten Permit form for a person working within the Restricted Area is available at: <https://www.dhhs.vic.gov.au/access-onsite-childcarekindergarten-permit-covid-19-doc>.

Note 2: the approved Onsite Childcare/Kindergarten Permit form for a person who ordinarily resides in the Restricted Area working in the Relevant Area is available at: <https://www.dhhs.vic.gov.au/access-onsite-childcare-kindergarten-permit-regional-covid-19-doc>.

*Note 3: in the Restricted Area additional requirements apply to parents and guardians being able to take a child to a childcare or early childhood service under the **Stay at Home Directions (Restricted Areas) (No. 12)**, including that there is no appropriate alternative care available.*

- (1A) In circumstances where subclause (1)(b) applies, clauses 13(2) to 15 (inclusive) apply as if a reference to 'Permitted Employer' were a reference to 'employer', except that subclause (4)(e)(i) does not apply.

- (1B) For:

- (a) a prescribed student permitted to attend a clinical placement in accordance with clause 6(1B); or
(b) a **permitted student** who is permitted to access onsite **higher education services**,

the student's prescribed higher education provider may issue the student with an Access to Onsite Childcare/Kindergarten Permit, in the approved form, if the student has attested that their child and/or dependant cannot otherwise be cared for by the student or another responsible adult at the student's ordinary place of residence.

Note 1: the approved Onsite Childcare/Kindergarten Permit form for a student is available at: <https://www.dhhs.vic.gov.au/access-onsite-childcare-kindergarten-permit-higher-education-covid-19-doc>.

Note 2: if a prescribed student has already received an Access to Onsite Childcare/Kindergarten Permit from the organisation at which they are completing their clinical placement or other work placement as part of their permitted studies, they may rely on this Access to Onsite Childcare/Kindergarten Permit and are not required to obtain an Access to Onsite Childcare/Kindergarten Permit from their prescribed higher education provider.

Note 3: permitted onsite higher education services may be delivered on campus or in the workplace.

- (1C) In circumstances where subclause (1B) applies, clauses 13(3) to 15 (inclusive) apply as if a reference to:
- (a) 'Permitted Employer' were a reference to the prescribed higher education provider; and
 - (b) 'employee' were a reference to the prescribed student or permitted student (as applicable); and
 - (c) 'Work Premises' were a reference to the location of the prescribed student's clinical placement or where the permitted student is accessing onsite higher education services (as applicable),
- except that subclauses (4)(e)(i) does not apply.
- (2) If a person does not have a Permitted Employer because they are self-employed, a sole-trader, an independent contractor or sub-contractor, or a person appointed to or holding a statutory office, the person may issue themselves with an Access to Onsite Childcare/Kindergarten Permit in the approved form, signed as both the Permitted Employer and the employee.
- (3) A Permitted Employer must keep a record of all Access to Onsite Childcare/Kindergarten Permits they have issued during the Access to Onsite Childcare/Kindergarten Permit Scheme period. A Permitted Employer must, on request, produce this record to an Authorised Officer, a Victoria Police Officer or a Protective Services Officer.
- (4) The Access to Onsite Childcare/Kindergarten Permit must, amongst other things:
- (a) be in the approved form; and
 - (b) only include details that are, to the best of the Permitted Employer's and employee's knowledge, complete, accurate and not in any way false, misleading or deceptive; and
 - (c) record relevant details of the Permitted Employer including:
 - (i) the Permitted Employer's company name; and
 - (ii) the Permitted Employer's ABN and/or ACN; and
 - (iii) the Permitted Employer's company address; and
 - (iv) the Permitted Employer's trading name; and
 - (v) contact details of the Permitted Employer (or an authorised representative of the Permitted Employer) including:
 - (A) contact name; and
 - (B) contact title and role in the business; and
 - (C) telephone number; and
 - (D) contact name and telephone number of a secondary representative of the Permitted Employer; and
 - (d) record relevant details of the employee including:
 - (i) the employee's full name; and
 - (ii) the employee's date of birth; and
 - (iii) the employees' role; and
 - (iv) the employee's address; and
 - (e) include a signed declaration by the Permitted Employer (or an authorised representative of the Permitted Employer) certifying that:
 - (i) the Permitted Employer's business is operating a Permitted Service; and

- (ii) the information contained within the Access to Onsite Childcare/Kindergarten Permit is true and correct; and

Note 1: the Permitted Employer is not required to certify that the information provided by the employee under subclause (4)(f) is true and correct.

Note 2: the Permitted Employer (or an authorised representative of the Permitted Employer) may sign electronically.

- (f) include a signed declaration by the employee certifying that:
 - (i) their own name and address as contained in the Access to Onsite Childcare/Kindergarten Permit are true and correct; and
 - (ii) they seek access to onsite childcare or kindergarten services for their child and/or dependant as they cannot be cared for during work hours by the employee or another responsible adult who resides at the employee's ordinary place of residence; and

Note: the employee may sign electronically.

- (g) be issued, signed and dated by the Permitted Employer (or an authorised representative of the Permitted Employer).

Note 1: the Access to Onsite Childcare/Kindergarten Permit must be issued by a natural person residing in Victoria, unless there is no such person.

Note 2: the Permitted Employer (or an authorised representative of the Permitted Employer) may sign electronically.

14 Employee obligations

- (1) An employee who ordinarily resides in the Restricted Area (regardless of whether they access onsite childcare or kindergarten services in or outside the Restricted Area) must:
 - (a) not leave the premises at which they ordinarily reside to obtain onsite childcare or kindergarten services for their child or dependant, if the employee has not been issued with a current Access to Onsite Childcare/Kindergarten Permit; and
 - (b) carry the Access to Onsite Childcare/Kindergarten Permit at all times at which they have left the premises at which they ordinarily reside when travelling to or from the onsite childcare or kindergarten service; and
 - (c) on request, produce to an Authorised Officer, a Victoria Police Officer or a Protective Services Officer a current Access to Onsite Childcare/Kindergarten Permit:
 - (i) when they have left the premises in which they ordinarily reside to travel to or from the onsite childcare or kindergarten service; and
 - (ii) in relation to the employee's attendances at the onsite childcare or kindergarten service.

Note: a person may carry either a hardcopy or an electronic copy (or both) of the Access to Onsite Childcare/Kindergarten Permit.

15 Exemptions

- (1) Subject to subclauses (2) and (3), the following persons are not required to be issued with, and to hold, an Access to Onsite Childcare/Kindergarten Permit to access and obtain onsite childcare or kindergarten services:
 - (a) all Victoria Police employees, Australian Defence Force employees, Australian Criminal Intelligence Commission employees, Australian Border Force employees, Australian Federal Police employees and employees of government intelligence and security agencies;

- (b) emergency service workers, which include officers and employees of:
 - (i) Ambulance Victoria; and
 - (ii) Australian Red Cross; and
 - (iii) Bushfire Recovery Victoria; and
 - (iv) Country Fire Authority; and
 - (v) Emergency Management Victoria; and
 - (vi) Emergency Services Telecommunications Authority; and
 - (vii) Fire Rescue Victoria; and
 - (viii) Forest Fire Management Victoria; and
 - (ix) Life Saving Victoria; and
 - (x) Marine Search and Rescue; and
 - (xi) Victoria State Emergency Service Authority; and
 - (xii) Victorian Institute of Forensic Medicine;
 - (c) hospital workers and health workers (including non-emergency patient transport workers);
 - (d) any class of person approved by the Chief Health Officer in writing and subject to any conditions specified by the Chief Health Officer.
- (2) A person is not required to have an Access to Onsite Childcare/Kindergarten Permit provided that they have photographic personal identification issued by the organisation which employs or engages them in the capacity set out in subclause (1) and which identifies the person's place of work in that capacity.
 - (3) An employee of the category defined in subclause (1) must, on request, produce the photographic personal identification referred to in subclause (2) which identifies the person's place of work to an Authorised Officer, a Victoria Police Officer or a Protective Services Officer.

PART 5 – OTHER PROVISIONS

16 Relationship with other directions

- (1) If there is any inconsistency between these directions and a direction or other requirement contained in a Direction currently in force, 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.

17 Other definitions

For the purposes of these directions:

- (1) **Access to Onsite Childcare/Kindergarten Permit** means a permit issued under clause 13;
- (2) **Access to Onsite Childcare/Kindergarten Permit Scheme** means the scheme established under these directions;
- (3) **Access to Onsite Childcare/Kindergarten Permit Scheme period** means the period specified in clause 10;
- (4) **Authorised Officer** has the same meaning as in section 3 of the **PHW Act**;
- (5) **childcare or kindergarten services** means early childhood education and care services or children's services provided under the:

- (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services; and
- (b) **Children’s Services Act 1996** including limited hours services, Budget Based Funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs, but otherwise does not include where those services are provided in a person’s home;
- (6) **clinical placement** means the placement of a prescribed higher education student in a medical, nursing, midwifery, allied health, health assistance or personal care clinical context, excluding a placement in a residential aged care facility;
- (7) **Close Contact** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 10)**;
- (8) **Diagnosed Person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 10)**;
- (9) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (10) **Directions currently in force** has the same meaning as in the **Area Directions (No. 7)**;
- (11) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training;
- (12) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (13) **Permitted Employer** means an organisation or individual which operates a **Permitted Work Premises**;
- (14) **Permitted Services** means the services of the **Permitted Work Premises** as set out in the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (15) **permitted student** means a student accessing **higher education services** which are permitted to be delivered onsite (where remote delivery is not possible) as set out in the ‘Education and Training’ section of the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (16) **Permitted Work Premises** means the **Work Premises** described as ‘PERMITTED WORK PREMISES’ as set out in the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (17) **Permitted Worker Permit** means a permit issued under clause 6;
- (18) **Permitted Worker Permit Scheme** means the scheme established under these directions;
- (19) **Permitted Worker Permit Scheme period** means the period specified under clause 3;
- (20) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (21) **premises** has the same meaning as in section 3 of the **PHW Act**;
- (22) **prescribed higher education provider** means an approved university or a TAFE institute under the **Education and Training Reform Act 2006** or a registered training organisation;

- (23) **prescribed student** means a student at a **prescribed higher education provider** studying:
- (a) a diploma or undergraduate or postgraduate qualification in medicine, nursing, midwifery or allied health; or
 - (b) Certificate III and Certificate IV programs with a focus on health assistance or personal care;
- (24) **reasonably practicable** is to have its ordinary and common sense meaning;
- (25) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (26) **Restricted Area** has the same meaning as in the **Area Directions (No. 7)**;
- (27) **vehicle** has the same meaning as in the **PHW Act**;
- (28) **Work Premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes.

18 Penalties

- (1) Section 210 of the PHW Act provides:

False or misleading information

- (1) A person must not –
- (a) give information that is false or misleading in a material particular; or
 - (b) make a statement that is false or misleading in a material particular; or
 - (c) produce a document that is false or misleading in a material particular –
- to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

Penalty: In the case of a natural person, 60 penalty units;

In the case of a body corporate, 300 penalty units.

Note: currently, 60 penalty units equals \$9,912.20 and 300 penalty units equals \$49,466.00.

- (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.

Penalty: In the case of a natural person, 60 penalty units;

In the case of a body corporate, 300 penalty units.

- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.

- (2) 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.

Note: currently, 120 penalty units equals \$19,826.40 and 600 penalty units equals \$99,132.00.

- (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.

- (3) A person who fails to comply with these directions is liable for an on-the-spot fine of:
 - (a) \$1,600 in the case of a natural person; or
 - (b) \$9,900 in the case of a body corporate.
- (4) Additionally, a person who fails to comply with these directions may in certain circumstances be liable to prosecution under the PHW Act for the maximum penalties outlined in subclause (2).
- (5) If the content of a Permitted Worker Permit is suspected to be fraudulent criminal investigations may be considered.

Dated 16 August 2020

DR FINN ROMANES
Public Health Commander,
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 PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Care Facilities Directions (No. 10)**

I, Dr Finn Romanes, Public Health Commander, consider it reasonably necessary to eliminate or reduce the risk to public health – and 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. 9)**.

2 Revocation

The **Care Facilities Directions (No. 9)** are revoked at 11:59:00 pm on 16 August 2020.

3 Citation

These directions may be referred to as the **Care Facilities Directions (No. 10)**.

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 16 August 2020 and 11:59:00 pm on 13 September 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, and the person's visit complies with the limits in that clause.

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 16 August 2020 and 11:59:00 pm on 13 September 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. 10)**; 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. 10).
- (d) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection; or
- (e) the person is aged under 16 years, other than in circumstances where:
 - (i) the person's presence at the premises is for the purposes of end of life support for a resident of the facility; and
 - (ii) the person is a child, grandchild or sibling of the resident; or
- (f) in the case of a visitor – the person has been tested for 2019-nCoV, and has not yet received the results of that test.

Certain excluded persons may be permitted to work in a residential aged care facility

- (3) Despite subclause (2), a person referred to in subclause (2)(c) may enter, or remain on, the premises of a residential aged care facility if:
 - (a) the person is a worker in relation to the residential aged care facility under clause 6; and
 - (b) the person is authorised to enter or remain at the residential aged care facility by:
 - (i) an officer of the residential aged care facility with the position of Director of the facility or equivalent; and
 - (ii) the Chief Health Officer, or a person authorised by the Chief Health Officer to exercise this power of authorisation.
- (4) A person authorised to enter or remain at a residential aged care facility under subclause (3) must comply with any directions or conditions to which that authorisation is subject.

Note: residential aged care facilities may, jointly with the Chief Health Officer (or a person authorised by the Chief Health Officer), determine whether workers at the facility who have been in close contact with a person who has been diagnosed with 2019-nCoV may continue to work at the facility. Further, a person who has received an authorisation must comply with any conditions imposed on it by either or both of the facility and the Chief Health Officer (or authorised person).

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, limits on visits

- (1) A person is a **visitor** in relation to a care facility if:
 - (a) the person is described in one of subclauses (2)(a) to (2)(j); and
 - (b) the person’s visit to the care facility satisfies the limits specified in italics below the relevant subclause.
- (2) A person may visit a resident at a care facility if:
 - (a) in the case of a resident of a facility aged under 18 years – the person is the parent or guardian of the resident or has temporary care of the resident; or
Limit: only 1 visitor at any one time.
 - (b) in the case of a resident of a facility aged 18 years or over – the person is the parent, guardian, partner, carer or support person of the resident, and the person’s visit is for the purpose of providing emotional and social support to the resident that cannot be provided by that person via electronic or other non-contact means; or
Limit: only 1 visitor, once per day, for a maximum of 1 hour.
 - (c) in the case of a resident of the facility who has a mental illness – the person is the resident’s **nominated person** and the person’s presence at the facility is for the purposes of matters relating to their role as nominated person; or
Limit: only 1 visitor at any one time, for a maximum of 1 hour per visit.
 - (d) the person’s presence at the facility is for the purposes of providing essential care and support necessary for the resident’s immediate physical wellbeing that optimises the care and support delivered by workers at the facility and cannot be provided by that person via electronic means; or
Limit: only 1 visitor at any one time.
Example: providing ongoing support, assistance or personal care to a resident with activities of daily living such as showering, dressing, or meals.
 - (e) the person’s presence at the facility is for the purposes of providing essential care and support necessary for the resident’s immediate emotional and social wellbeing (including mental health supports) that optimises the care and support delivered by workers at the facility and cannot be provided by that person via electronic means; or
Limit: only 1 visitor at any one time.
Example: the person’s physical presence is necessary to support individual behaviours of concern, such as for people living with dementia or who have a known or emerging serious mental illness.
 - (f) the person’s presence at the facility is for the purposes of providing interpreter or informal language support to enable the delivery of care by workers at the facility; or
Limit: only 1 visitor at any one time.

- (g) the person's presence at the facility is for the purposes of learning to support the resident's care upon the resident's discharge; or
Limit: only 1 visitor; once per day, for a maximum of 1 hour.
Example: in preparation for providing in home care.
- (h) the person's presence at the facility is for the purposes of providing end of life support to a resident of the facility; or
Limit: maximum of 2 visitors at any one time.
- (i) the person's presence at the facility is in the person's capacity as a prospective resident of the facility; or
Limit: only 1 visitor at any one time.
- (j) the person's presence at the facility is for the purposes of accompanying a prospective resident.
Limit: only 1 visitor at any one time.

Note: for residents of disability residential services, support workers and carers are considered workers, not visitors, and there is no limit on the number or duration of such visits: see clause 6(1)(c).

- (3) Except in the situation referred to in subclause (2)(h), no more than 1 visitor may visit a resident at any one time.

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

Where the premises of a care facility are located within the premises of a hospital subject to the **Hospital Visitor Directions (No. 10)** these directions apply, to the exclusion of the Hospital Visitor Directions (No. 10), in relation to the premises of the care facility and to matters that relate to the care facility.

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) **nominated person** in relation to a resident has the same meaning as in the **Mental Health Act 2014**;
- (8) **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**;
- (9) **proprietor** of a supported residential service has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (10) **provides labour hire services** has the same meaning as in the **Labour Hire Licensing Act 2018**;
- (11) **registered NDIS provider** has the same meaning as in the **National Disability Insurance Scheme Act 2013** of the Commonwealth;
- (12) **resident** of a care facility includes a patient of the care facility;
- (13) **residential aged care facility** means 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;
- (14) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (15) **secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (16) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (17) **Thomas Embling Hospital** means the hospital of that name operated by the **Victorian Institute of Forensic Mental Health**;
- (18) 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;
- (19) **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 16 August 2020

DR FINN ROMANES
Public Health Commander,
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

DIRECTION FROM PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Diagnosed Persons and Close Contacts Directions (No. 10)**

I, Dr Finn Romanes, Public Health Commander, consider it reasonably necessary to eliminate or reduce the risk to public health – and 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. 9)**.

2 Citation

These directions may be referred to as the **Diagnosed Persons and Close Contacts Directions (No. 10)**.

3 Commencement and revocation

- (1) These directions commence at 11:59:00 pm on 16 August 2020.
- (2) The **Diagnosed Persons and Close Contacts Directions (No. 9)** are revoked at 11:59:00 pm on 16 August 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 13 September 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 or nominated representative 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 or nominated representative of the Department may make a determination in relation to a person if the officer or nominated representative 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 or nominated representative of the Department has made a determination under subclause (2) in relation to the person; and
 - (b) between midnight on 11 May 2020 and 11:59:00pm on 13 September 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 or nominated representative of the Department may make a determination in relation to a person if the officer or nominated representative 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 a Revoked Isolation Direction:
- (a) a determination made, or taken to have been made, under the Revoked Isolation Direction in relation to the person's status as a close contact is taken to be a determination made under subclause (2); and
 - (b) a notice given, or taken to have been given, to the person under the Revoked Isolation Direction in relation to the determination referred to in paragraph (a) 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.

Note: a person who was required to self-quarantine under previous directions because they reside with a person who is, or was, a diagnosed person, are now treated as close contacts, and also 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) for the purposes of getting tested for 2019-nCoV; or
 - (iii) in any emergency situation; 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. 10)**; or
 - (vi) for the purposes of working in a care facility if permitted to do so under the **Care Facilities Directions (No. 10)**; 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**; or
 - (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. 10) 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 or a group of persons, 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. 10)**;
- (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 Visitor Directions (No. 10)**;
- (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. 10)**;
- (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;
 - (e) **Diagnosed Persons and Close Contacts Directions (No. 3)**, given on 21 June 2020;
 - (f) **Diagnosed Persons and Close Contacts Directions (No. 4)**, given on 1 July 2020;
 - (g) **Diagnosed Persons and Close Contacts Directions (No. 5)**, given on 15 July 2020;
 - (h) **Diagnosed Persons and Close Contacts Direction (No. 6)**, given on 19 July 2020;

- (i) **Diagnosed Persons and Close Contacts Direction (No. 7)**, given on 22 July 2020;
 - (j) **Diagnosed Persons and Close Contacts Direction (No. 8)**, given on 3 August 2020;
 - (k) **Diagnosed Persons and Close Contacts Direction (No. 9)**, given on 13 August 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 16 August 2020

DR FINN ROMANES
Public Health Commander, 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 PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY

Hospital Visitor Directions (No. 10)

I, Dr Finn Romanes, Deputy Public Health Commander, consider it reasonably necessary to eliminate or reduce the risk to public health – and 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. 9)**.

2 Revocation

The **Hospital Visitor Directions (No. 9)** are revoked at 11:59:00 pm on 16 August 2020.

3 Citation

These directions may be referred to as the **Hospital Visitor Directions (No. 10)**.

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 16 August 2020 and 11:59:00 pm on 13 September 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, and the person's visit complies with the limits in that clause; 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 16 August 2020 and 11:59:00 pm on 13 September 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. 10)**; 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. 10).
 - (d) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection; or
 - (e) the person is aged under 16 years, other than in circumstances where:
 - (i) the person's presence at the hospital is for the purposes of end of life support for a patient; and
 - (ii) the person is a child, grandchild or sibling of the patient; or
 - (f) in the case of a visitor – the person has been tested for 2019-nCoV, and has not yet received the results of that test.

Hospital may permit certain excluded persons to visit

- (3) Despite subclause (2), a person referred to in subclause (2)(b), (2)(c) or 2(f) may enter or remain at a hospital if:
- (a) the person is:
 - (i) a visitor in relation to a patient under clause 6(2)(a); or
 - (ii) a visitor in relation to a patient under clause 6(2)(f), 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(2)(j); or
 - (iv) a visitor in relation to a patient under clause 6(2)(k); 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(2)(a), and the purpose of the visit is to breastfeed the patient;
 - (ii) a visitor in relation to a patient under clause 6(2)(j); or
 - (iii) a visitor in relation to a patient under clause 6(2)(k); 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. 10) 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 (6).

- (5) 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).
- (6) 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.
- (7) 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:
 - (i) 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; and
 - (ii) has been arranged by appointment in advance; and
 - (iii) is approved by an officer of the hospital with the position of Chief Medical Officer, Chief Operating Officer, or equivalent; 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, limits on visits

- (1) A person is a **visitor** in relation to a patient of a hospital if:
 - (a) the person is described in one of subclauses (2)(a) to (2)(m); and
 - (b) the person's visit to the hospital satisfies the limits specified in italics below the relevant subclause.
- (2) A person may visit a patient in 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
Limit: only 1 visitor at any one time.
 - (b) in the case of a patient of the hospital aged 18 years or over – the person is the parent, guardian, partner, carer or support person of the patient, and the person's presence at the hospital is for the purpose of providing emotional and social support to the patient that cannot be provided by that person via electronic or other non-contact means; or
Limit: only 1 visitor, once per day, for a maximum of 1 hour.
 - (c) the person's presence at the hospital is for the purposes of providing essential care and support necessary for the patient's immediate physical wellbeing that optimises the care and support delivered by workers at the hospital and cannot be provided by that person via electronic means; or
Limit: only 1 visitor at any one time.
Example: providing ongoing support, assistance or personal care to a patient with activities of daily living such as showering, dressing, or meals.

- (d) the person's presence at the hospital is for the purposes of providing essential care and support necessary for the patient's immediate emotional and social wellbeing (including mental health supports) that optimises the care and support delivered by workers at the hospital and cannot be provided by that person via electronic means; or

Limit: only 1 visitor at any one time.

Example: the person's physical presence is necessary to support individual behaviours of concern, such as for people living with dementia or who have a known or emerging serious mental illness.

- (e) the person's presence at the hospital is for the purposes of providing interpreter or informal language support to enable the delivery of care by workers at the hospital; or

Limit: only 1 visitor at any one time.

- (f) 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

Limit: only 1 visitor at any one time.

- (g) in the case of a patient of the hospital who is in a maternity ward – the person is the patient's partner or support person; or

Limit: only 1 visitor, once per day, for a maximum of 2 hours.

- (h) in the case of a patient of the hospital attending at the hospital's emergency department – the person is accompanying the patient; or

Limit: only 1 visitor, once per day, for a maximum of 1 hour.

- (i) in the case of a patient of the hospital attending an outpatient appointment – the person is accompanying the patient; or

Limit: only 1 visitor, once per day, for a maximum of 1 hour.

- (j) the person's presence at the hospital is for the purposes of end of life support for a patient of the hospital; or

Limit: maximum of 2 visitors at any one time.

- (k) in the case of a patient of the hospital whose medical condition is life threatening – the person is an immediate family member of the patient; or

Limit: maximum of 2 visitors at any one time.

- (l) in the case of a patient of the hospital who has a mental illness – the person is the patient's **nominated person** and the person's presence at the hospital is for the purposes of matters relating to their role as nominated person; or

Limit: only 1 visitor at any one time, for a maximum of 1 hour per visit.

- (m) the person's presence at the hospital is for the purposes of the person learning to support the patient's care upon the patient's discharge.

Limit: only 1 visitor, once per day, for a maximum of 1 hour.

Examples: learning how to care for a newborn, or to manage specific needs in a home setting.

- (3) Except in the situations referred to in subclause (2)(j) or (k), no more than 1 visitor may visit a patient at any 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:

- (1) a person does not enter or remain on the premises of the hospital if the person is prohibited from doing so by clause 4; and
- (2) a record is kept, in relation to each person who enters or remains at the hospital as a visitor under these Directions 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 of the entry.

9 Other Definitions

For the purposes of these directions:

- (1) **contractor**, in relation to a hospital means a person engaged as a contractor by the operator of the hospital in relation to the provision of health, medical or pharmaceutical services by the hospital;

Examples: Visiting Medical Officers, locum doctors.

- (2) **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;
- (3) **nominated person** in relation to a patient has the same meaning as in the **Mental Health Act 2014**;
- (4) **operator** of a hospital means a person who owns, controls or operates the hospital;
- (5) **patient** of a hospital means a person who requests or is being provided with health, medical or pharmaceutical services by the hospital;
- (6) 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;
- (7) 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 16 August 2020

DR FINN ROMANES
Deputy Public Health Commander,
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.).

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