



Victoria Government Gazette

No. S 474 Thursday 17 September 2020
By Authority of Victorian Government Printer

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY

Restricted Activity Directions (Non-Melbourne) (No. 5)

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, 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. 4)** restricting activities in areas of Victoria, and provide for circumstances in which:
 - (a) outdoor exercise, classes and training can resume;
 - (b) outdoor non-contact sport can resume for adults and outdoor contact sport can resume for people who are 18 years of age and younger;
 - (c) outdoor skateparks and pools can open;
 - (d) beauty and personal care can reopen;
 - (e) outdoor areas in restaurants, cafes and pubs and limited indoor areas can open for dining;
 - (f) more people can attend weddings and funerals;
 - (g) households can socialise with up to 5 people from one other household in a household bubble;
 - (h) groups of people can meet up outdoors;
 - (i) holiday accommodation can reopen;
 - (j) limited outdoor entertainment can reopen; and
 - (k) licensed tourism services may be conducted.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Non-Melbourne) (No. 5)**.

3 Revocation

The **Restricted Activity Directions (Non-Melbourne) (No. 4)** are revoked at 11:59:00 pm on 16 September 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 September 2020 and ending at 11:59:00 pm on 11 October 2020.

SPECIAL

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 in accordance with clause 10 (*food and drink facilities*); or
 - (c) providing accommodation in accordance with clause 11 (*accommodation facilities*).

Permitted operations – retail betting venues

- (4) Despite subclause (1), a person who owns, controls or operates a **retail betting venue** may operate the venue if the retail betting venue is wholly contained within a licensed premises if:
 - (a) the number of members of the public permitted in the venue is limited to the number permitted by the **density quotient**; and
 - (b) members of the public at the premises are served on a seated service basis, and otherwise in accordance with the requirements of clause 9 (*restricted retail facilities*), 10 (*food and drink facilities*) and this clause; and
 - (c) the person complies with:
 - (i) the **signage requirement** within the licensed premises; and
 - (ii) the **records requirement** within the licensed premises; and
 - (iii) the **cleaning requirement**.
- (5) Despite subclause (1), a person who owns, controls or operates a retail betting venue may operate the venue if the retail betting venue is not wholly contained within a licensed premises if:
 - (a) the number of **members of the public** permitted in the venue is limited to the number permitted by the density quotient; and
 - (b) members of the public at the premises remain seated except when placing a bet, using toilets or entering and leaving the venue, and otherwise in accordance with the requirements of clause 9 (*restricted retail facilities*); and
 - (c) the person complies with:
 - (i) the signage requirement for areas within and outside the licensed premises; and
 - (ii) the cleaning requirement for areas within and outside the licensed premises.

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**;
- (e) a skatepark;
- (f) a trampolining centre,

but does not include a skatepark or a trampolining centre if any of these facilities are in an **outdoor space** or outdoor communal exercise equipment.

Note: outdoor communal exercise equipment can be used.

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 10 in any group on the basis that infants under 1 year of age are not counted in this limit; or
 - (ii) more than 10 in a group, if all persons have the same ordinary place of residence; and
 - (iii) unless permitted under clause 6B, not more than 10 in total at the outdoor 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 multiple groups of 10 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) if any shared equipment is to be used, it must be **cleaned** between users.
- (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 change rooms and toilet facilities.

Examples: a golf or tennis club may operate to permit outside golf or tennis, although club rooms and indoor sitting areas 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.

Permitted operations – broadcast of fitness or dance classes

- (7) Despite subclause (1), a person who owns, controls or operates a physical recreation facility in the Relevant Area may operate that facility for the purpose of allowing a fitness or dance class to occur at the premises, if that class is to be broadcast (live or otherwise) via electronic means.

- (8) If a fitness or dance class is held at a facility for the purposes of subclause (7), the only persons permitted to attend the facility are those necessary for the fitness or dance class and the broadcasting of that class, to a maximum of 5 people.
- (9) A person who owns, operates or controls a physical recreation facility under subclause (7) during the restricted activity period may permit the use of shared equipment provided it is cleaned between each user and must:
- (a) limit the number of people in the facility at any time to the number permitted by the density quotient; and
 - (b) comply with:
 - (i) the signage requirement for each **indoor space** and **outdoor space**; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement.
 - (c) comply with the face covering requirement as referred to in the **Workplace Directions (No. 5)** (with only one person at a time permitted to undertake strenuous exercise and remove their face covering under the exemption while exercising).

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) providing a library service (including a toy library) to the extent necessary to facilitate home delivery and non-contact collection and return of books or toys; or
 - (f) conducting activities in an outdoor space, subject to the public gathering limits in the **Stay Safe Directions (Non-Melbourne)**, plus the person required to conduct the activity; or
 - (g) in relation to a playground, allowing access for its ordinary use by members of the public; or
 - (h) in relation to outdoor communal exercise equipment, allowing access for the ordinary use by members of the public exercising outdoors.
- (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;
 - (d) a playground.

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 Safe Directions (Non-Melbourne)**; and
 - (b) must comply with:
 - (i) the signage requirement for each indoor space and 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.

6B Community sport*Persons aged 19 years or over*

- (1) A member of the public aged 19 years or over may only participate in a community sport if:
- (a) it is conducted outdoors; and
 - (b) it is conducted in the Relevant Area; and
 - (c) it is **non-contact**; and
 - (d) it does not involve a participant who ordinarily resides in a Restricted Area; and
 - (e) no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
 - (f) no more than 10 members of the public participate for individual events (for example, running).

Persons aged 18 years or under

- (2) A member of the public aged 18 years or under may participate in a community sport if:
- (a) it is conducted outdoors; and

- (b) all members of the public participating in a group are aged 18 years or under; and
 - (c) it does not involve a participant who ordinarily resides in a Restricted Area; and
 - (d) it is in the Relevant Area; and
 - (e) no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
 - (f) no more than 10 members of the public participate for individual events (for example, running).
- (3) A member of the public aged 18 years or under may only participate in a community sport that involves at least one participant aged 19 years or over if:
- (a) it is outdoors; and
 - (b) it is in the Relevant Area; and
 - (c) it is non-contact; and
 - (d) it does not involve a participant who ordinarily resides in a Restricted Area; and
 - (e) no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
 - (f) no more than 10 members of the public participate for individual events (for example, running).

Note 1: a reference in this subclause to members of the public participating is not intended to apply to a referee or trainer or those required for supervision of young children or to support people with a disability, for example cricket may be played with two teams of eleven players and the necessary coaching personnel and umpires.

Note 2: spectators are limited in accordance with the public gathering restrictions in the Stay Safe Directions (Non-Melbourne).

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.
- (5) If a performance is held at a facility for the purposes of subclause (3), a person who owns, controls or operates must comply with:
 - (a) the signage requirement for each indoor space; and
 - (b) the cleaning requirement; and
 - (c) the records requirement.

Permitted operations – non-seated outdoor space

- (5A) Despite subclause (1), a person who owns, controls or operates a facility listed in subclause (2)(a) (theatre), (2)(b) (cinema) except for a drive-in cinema, (2)(c) (music hall, concert hall or auditorium), 2(d) (gallery or a museum) or 2(e) (arena, stadium or convention centre) may operate a **non-seated outdoor space** in the facility, except for entertainment or sporting events, if:
 - (a) the number of members of the public permitted in the facility at any time is less than the number permitted by the density quotient; and
 - (b) no access is permitted to an indoor space in the facility, except for toilet facilities or to permit access to an outdoor space or for the purposes of operations under subclause (3) or (5); and
 - (c) a COVIDSafe Plan is in place for the facility; and
 - (d) the maximum capacity for the facility is 500 or more, a COVID Safe Plan for the facility is published on the organisation's Internet website prior to the first opening of the facility; and
 - (e) any **food and drink facility** operates in accordance with clause 10 (*food and drink facilities*); and
 - (f) reasonable endeavours are made to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – seated outdoor space

- (5B) Despite subclause (1), a person who owns, controls or operates a facility listed in subclause (2)(a) (theatre), (2)(b) (cinema) except for a drive-in cinema, (2)(c) (music hall, concert hall or auditorium), 2(d) (gallery or a museum) or 2(e) (arena, stadium or convention centre) may operate a **seated outdoor space** in the facility, except for entertainment or sporting events, if:
 - (a) the number of members of the public permitted in the facility at any time is the lower of:
 - (i) 50; or
 - (ii) 25% of the maximum fixed seating capacity; and
 - (b) no access is permitted to any indoor space in the facility, except for toilet facilities or to permit access to an outdoor space or for the purposes of operations under subclause (3) or (5); and
 - (c) a member of the public is required to be seated:

- (i) at least 1.5 metres away from all members of the public who are not from the same group; and
- (ii) the maximum number of members of the public in a group are limited to the restrictions on public gatherings in the **Stay Safe Directions (Non-Melbourne)**; and
- (d) a COVIDSafe Plan is in place for the facility; and
- (e) any food and drink facility operates in accordance with clause 10 (**food and drink facilities**); and
- (f) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Example: outdoor grandstands

Permitted operations – indoor space

- (5C) If a person who owns, controls or operates a facility listed in subclause (2)(a) (theatre), (2)(b) (cinema) except for a drive-in cinema, (2)(c) (music hall, concert hall or auditorium), 2(d) (gallery or a museum) or 2(e) (arena, stadium or convention centre) opens or provides access to an indoor space in accordance with this Direction, that person must:
- (a) limit the number of members of the public in the facility at any time to the number permitted by the density quotient; and
 - (b) use all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
 - (c) comply with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement.

Permitted operations – professional sport

- (6) 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.
- (7) A person who operates a facility under subclause (6) 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 (**food and drink facilities**) and to the extent necessary to provide food and drink to persons permitted to attend the arena or stadium under subclause 7(a); and
 - (c) use all 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 – arena or stadium

- (8) Despite subclause (1), a person who owns, controls or operates an arena or stadium may operate that facility for the purpose of providing an exclusive venue for a single school at any one time for use for educational purposes.

Permitted operations – drive-in cinemas

- (9) Despite subclause (1), a person who owns, controls or operates a drive-in cinema may operate that venue if:
- (a) the cinema is in an outdoor space accessed by vehicles; and
 - (b) persons are not permitted to be seated outside of their vehicles; and
 - (c) no access is permitted to an indoor space in the facility, except for toilet facilities or to permit access to an outdoor space or for the purposes of operations under subclause (3) or (5); and
 - (d) a COVIDSafe Plan is in place for the facility; and
 - (e) the maximum capacity for the facility is 500 or more, a COVID Safe Plan for the facility is published on the organisation's Internet website prior to the first opening of the facility; and
 - (f) any food and drink facility operates in accordance with clause 10 (***food and drink facilities***); and
 - (g) the person complies with the cleaning requirement; and
 - (h) uses all 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 Safe Directions (Non-Melbourne)**; or
*Note: the **Stay Safe Directions (Non-Melbourne)** limit the number of people who may attend a wedding at non-residential premises located in the Relevant Area to 10 people (inclusive of the marrying couple, 2 witnesses excluding the celebrant) and a funeral at non-residential premises located in the Relevant Area to 20 people plus those required to conduct the funeral.*
 - (b) hosting an essential public support 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; or
 - (e) conducting outdoor religious gatherings; or
Examples: mass, Eucharist, blessings.
 - (f) permitting private worship.

- (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) If a religious gathering is to be held outdoors under subclause (2)(e) during the restricted activity period, then:
 - (a) up to a maximum of 10 members of the public are permitted to attend each religious gathering; and
 - (b) in addition to the maximum of 10 members of the public, 1 **religious practitioner** employed or otherwise engaged by a **religious institution** must attend in order to lead the religious gathering.
- (6) If private worship is permitted at a place of worship for the purposes of subclause (2)(f), the only persons permitted to attend the place of worship at a time are:
 - (a) a religious practitioner employed or otherwise engaged by a religious institution; and
 - (b) a group consisting of:
 - (i) members of the public who have the same principal place of residence; and
 - (ii) if the household in subclause (6)(b)(i) is part of a **household bubble**, no more than 5 other members of the public who have the same principal place of residence which is nominated to be premises forming part of the household bubble with the members of the public referred to in subclause (6)(b)(i) and which complies with the household bubble requirements in the **Stay Safe Directions (Non-Melbourne)**.
- (7) 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) outdoor space; and
 - (b) the cleaning requirement; and
 - (c) the records requirement, except in relation to private worship and 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**; and
 - (b) a **hairdressing** facility.

Permitted operations – beauty and personal care facilities and hairdressers

- (3) A person who owns, controls or operates a beauty and personal care facility or a hairdressing facility in the Relevant Area may operate that facility, provided that the person:

- (a) only provides services where the client can wear a face covering for the duration of the service or procedure; and
- (b) complies with:
 - (i) the density quotient for each indoor space; and
 - (ii) the signage requirement for each indoor space; and
 - (iii) the records requirement; and
 - (iv) the cleaning requirement.; and

Note: services such as facials, face waxing and beard trimming around the mouth, nose or cheeks are not permitted as the client would be unable to wear a face covering for the duration of the service or procedure.

Permitted operations – open retail facilities

- (4) A person who owns, operates or controls an open retail facility, except in accordance with subclause 9(3), 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;
 - (c) the records requirement, except where not practicable to do so; and
 - (d) 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 may operate that facility during the restricted activity period only to the extent permitted by these directions.
- (2) A **food and drink facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a cafe;
 - (b) a restaurant;
 - (c) a fast-food store;
 - (d) a cafeteria;
 - (e) a canteen;
 - (f) a winery.

Note: a food and drink facility includes a food and drink facility at a stadium or arena.

Permitted operations – seated service

- (3) For the purposes of this clause 10:
 - (a) **outdoor** means:
 - (i) a space with no **roof**; or
 - (ii) an open-air space designated for the consumption of food and/or beverage, which may have a roof so long as at least two sides of the space do not have walls;
 - (b) **roof** means any structure or device (whether temporary, fixed or movable) that prevents or significantly impedes upward airflow, including a ceiling or awning;
 - (c) **wall** means any structure (whether fixed or movable) that prevents or significantly impedes lateral airflow, notwithstanding if it has a window or door.

Examples: outdoor spaces may include a balcony, a veranda, a courtyard, a rooftop, a marquee, a street or footpath, or any similar outdoor space.

- (4) A person who owns, operates or controls a food and drink facility that is not located inside a **food court** may operate that facility for seated service if that person:
- (a) permits service of food or drinks only to members of the public who are seated; and
 - (b) complies with the **restricted area requirement**; and
 - (c) ensures not more than 10 members of the public are permitted in the facility per group booking; and
 - (d) for indoor spaces at the facility, limits the number of members of the public permitted in each indoor space at the facility to the lesser of:
 - (i) the density quotient; and
 - (ii) 10 persons,
 provided that the total number of members of the public in all indoor spaces at the facility does not exceed 20 persons; and

Note: conditions of any liquor licence or planning permit must also be complied with.

- (e) for outdoor spaces at the facility, limits the number of members of the public permitted in outdoor spaces at the facility to the lesser of:
 - (i) the density quotient; and
 - (ii) 50 persons; and

Note 1: conditions of any liquor licence or planning permit must also be complied with.

Note 2: if temporary new permits or licences are sought and obtained for pop-up food and drink facility, a cap of 50 persons will apply, subject to the density quotient.

*Note 3: The density quotient in the **Workplace Directions (No. 5)** provides for restrictions on an outdoor space in a food and drink facility by requiring the use of half the accessible space when calculating the density quotient. This permits more members of the public at any one time when compared to the density quotient for other shared spaces or publicly accessible areas, where a quarter of the accessible space is to be used when calculating the density quotient.*

- (f) maintains a distance between tables at all times so that members of the public are at least 1.5 metres from other groups and members of the public when seated (including groups at other facilities); and
- (g) complies with:
 - (i) the signage requirement for each indoor space and outdoor space accessible to members of the public; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
 - (iv) the restricted area requirement.

Permitted operations of food and drink facilities – other

- (5) 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 subclause 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. 11)** 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.
- (6) A person who owns, operates or controls a food or drink facility that is permitted to operate under subclause (5)(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 may only operate that facility in accordance with these directions during the restricted activity period.
- (2) For the purposes of this clause, an **accommodation facility** includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a camping ground;
 - (b) a caravan park;
 - (c) a hotel;
 - (d) a hostel;
 - (e) a Bed and Breakfast;
 - (f) a private holiday rental facility, including AirBnBs;
 - (g) a motel;
 - (h) a serviced apartment.

Permitted operations – tourism

- (3) A person who owns, controls or operates an accommodation facility may operate that facility for the purposes of tourism if the person:
- (a) ensures that each group booking is limited to:
 - (i) only members of the public who have the same principal place of residence; or
 - (ii) only members of the public who are in an intimate personal relationship; or
 - (iii) a group consisting of:
 - (A) members of the public who have the same principal place of residence, or are in an intimate personal relationship; and
 - (B) if the household in subclause (3)(a)(iii)(A) is part of a **household bubble**, no more than 5 other members of the public who have the same principal place of residence which is nominated to be premises forming part of the household bubble with the members of the public referred to in in subclause (3)(a)(iii)(A) and which complies with the household bubble requirements in the **Stay Safe Directions (Non-Melbourne)**; and

- (b) ensures that each booking is only for members of the public whose principal place of residence is in the Relevant Area; and
- (c) ensures that persons from separate bookings do not share bedrooms at the facility; and
- (d) ensures surfaces accessible in the accommodation facility exclusively to a particular group, including a hotel room or cabin, are **cleaned** between groups; and
- (e) complies with:
 - (i) the records requirement; and
 - (ii) the restricted area requirement; and
 - (iii) the cleaning requirement for areas of the accommodation facility that are not for the exclusive use of a particular group, including reception areas.

Permitted operations – alpine resort tourism

- (4) In addition to the requirements set out in subclause (3), a person who owns, controls or operates an accommodation facility with shared kitchen or bathroom facilities located at an alpine resort, may operate that facility for the purposes of tourism if the person ensures that:
- (a) if a bedroom of the facility has an area of less than 12 square metres, the following people may be booked to stay in that bedroom:
 - (i) persons who ordinarily reside in the same premises or are in a personal intimate relationship with each other; or
 - (ii) one person; and
 - (b) if a bedroom of the facility has an area of 12 square metres or more only the following are permitted to be booked to stay in that bedroom:
 - (i) persons who ordinarily reside in the same premises or are in a personal intimate relationship with each other; or
 - (ii) up to 2 persons of the same booked group who do not ordinarily reside in the same premises, and one additional person of the same booked group per additional 4 square metres beyond 12; and
 - (c) they use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
 - (d) not more than 20 members of the public are permitted to stay in the facility at any time.

Permitted operations – alpine resort employees

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

- (ii) up to 2 persons, and one additional person per additional 4 square metres beyond 12.

Permitted operations – other purposes

- (6) A person who owns, controls or operates an accommodation facility 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. 11)**; or
 - (i) as an exclusive facility for a single school at any one time for educational purposes.

Note 1: where an accommodation facility opens as an exclusive facility for a single school, the group booking restrictions in subclause (3) do not apply.

Note 2: where an accommodation facility opens as an exclusive facility for a single school, that school must be in the Relevant Area.

12 Swimming pools

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

Permitted operations – private swimming pools and chlorinated spas

- (2) A person is permitted to use a swimming pool or chlorinated spa in the Relevant Area if the swimming pool or chlorinated spa is not available for use by the public.

Permitted operations – professional sport

- (3) A person who owns, controls or operates a swimming pool or chlorinated spa at a non-residential premises in the Relevant Area may permit a person to use a swimming pool and facilities if the pool or spa is only available for the exclusive use of training for professional and high-performance sports persons at any one time.
- (4) A person who operates a facility under subclause (3) must use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – outdoor swimming pools

- (5) A person who owns, controls or operates an outdoor swimming pool (which may include a chlorinated spa) at a non-residential premises in the Relevant Area may permit members of the public to use the swimming pool and chlorinated spa if that person ensures that:
 - (a) no access is permitted to indoor facilities, except for change rooms and toilet facilities; and

- (b) no access is permitted to saunas within the facility; and
- (c) except where the pool is operated in accordance with subclause (6), the number of members of the public that are permitted at any one time in any water or non-water part of the pool facility are the lesser of:
 - (i) 50 in any swimming pool or chlorinated spa; and
 - (ii) in respect of the water and non-water parts of the pool facility, the number permitted by the density quotient;

Note 1: persons in and around the swimming pool are still required to take reasonable steps to maintain a distance of 1.5 metres from all other persons.

Note 2: outdoor hot springs cannot be used.

Permitted operations – community sport and educational purposes

- (6) A person who owns, controls or operates an outdoor swimming pool (which may include a chlorinated spa) in accordance with subclause (5) is not required to comply with the limits in subclause (5)(c) if the pool is only available for the exclusive use of:
 - (a) members of the public participating in community sport undertaken in compliance with the directions on community sport and physical recreation under clause 6B; or
 - (b) a single school at any one time for educational purposes.

Note: participation in a community sport includes training for an organised competition.

- (7) A person who operates a facility under subclause (6) must:
 - (a) not permit the admission of spectators to the facility; and

Note: persons required to facilitate the activity at the swimming pool, including teachers, instructors, trainers, coaches and umpires, as well as parents and carers attending to support participation of a child or a person with disability, are permitted to attend the facility. General spectators are not permitted.

 - (b) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Records, signage and cleaning requirements

- (8) A person who operates a facility under subclause (5) must comply with the:
 - (a) signage requirement; and
 - (b) cleaning requirement; and
 - (c) records requirement.

Permitted operations – non-residential swimming pools

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

13 Animal facilities

- (1) A person who owns, controls or operates an **animal facility** in 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.

Permitted operations – non-seated outdoor space

- (4) Despite subclause (1), a person who owns, controls or operates an animal facility may operate a non-seated outdoor space in the facility, except for entertainment or sporting events, if:
- (a) the number of members of the public permitted in the facility at any time is less than the number permitted by the density quotient; and
 - (b) no access is permitted to any indoor space in the facility, except for toilet facilities and to permit access to an outdoor space; and
 - (c) a COVIDSafe Plan is in place for the facility; and
 - (d) the maximum capacity for the facility is 500 or more, a COVID Safe Plan for the facility is published on the organisation's Internet website prior to the first opening of the facility; and
 - (e) any food and drink facility operates in accordance with clause 10; and
 - (f) reasonable endeavours are made to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – seated outdoor space

- (5) Despite subclause (1), a person who owns, controls or operates an animal facility may operate a seated outdoor space in the facility, except for entertainment or sporting events, if:
- (a) the number of members of the public permitted in the facility at any time is the lower of:
 - (i) 50; or
 - (ii) 25% of the maximum fixed seating capacity; and
 - (b) no access is permitted to any indoor space in the facility, except for toilet facilities, or to permit access to an outdoor space, or for the purposes of operating under subclauses (7) and (9); and
 - (c) a member of the public is required to be seated:
 - (i) for the majority of time at the facility; and
 - (ii) at least 1.5 metres away from all members of the public who are not from the same group; and
 - (iii) the maximum number of members of the public in a group are limited to the restrictions on public gatherings in the **Stay Safe Directions (Non-Melbourne)**; and
 - (d) a COVIDSafe Plan is in place for the facility; and
 - (e) any food and drink facility operates in accordance with clause 10 (**food and drink facilities**);
 - (f) the person complies with the cleaning requirement; and
 - (g) uses all reasonable endeavours are made to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – indoor space

- (6) If a person who owns, controls or operates an animal facility opens or provides access to an indoor space in accordance with this Direction, that person must:
- (a) limit the number of members of the public in the facility at any time to the number permitted by the density quotient; and
 - (b) use all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
 - (c) comply with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement.

Permitted operations – broadcast

- (7) Despite subclause (1), a person who owns, controls or operates an animal 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.
- (8) If a performance is held at an animal facility for the purposes of subclause (7), the only persons permitted to attend the facility are those necessary for the performance and the broadcasting of that performance to occur.
- (9) If a performance is held at an animal facility for the purposes of subclause (7), a person who owns, controls or operates must comply with:
- (a) the signage requirement for each indoor space; and
 - (b) the cleaning requirement; and
 - (c) the records requirement.

14 Real estate auctions and inspections

- (1) During the restricted activity period, in the Relevant Area, an **estate agent** may organise:
- (a) an auction to take place for the sale of real estate, only if that auction is to be conducted in an outdoor space and attended in person by no more than 10 members of the public (excluding the owners or residents of the property and any person(s) reasonably required to facilitate the auction), whether or not other members of the public also attend remotely; or
 - (b) an inspection by members of the public of real estate for the purposes of a prospective sale or rental of the property, if arranged by private appointment and such private appointment complies with the restrictions on public gatherings in the **Stay Safe Directions (Non-Melbourne)**.
- (2) An estate agent that arranges an auction or inspection in accordance with subclause (1) during the restricted activity period must:
- (a) comply with the records requirement; and
 - (b) not permit the number of members of the public in an indoor space to exceed the number permitted by the density quotient.

15 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), Victorian Certificate of Applied Learning (VCAL), Vocational Education and Training in Schools (VETiS) or International Baccalaureate 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;
- 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**; or
 - (iv) a person enrolled in a specialist school in the Relevant Area; or
- (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
 - (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 **Permitted Services**; 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. 5)**; or
 - (ii) study if the parent or guardian is a **permitted higher education student**,
provided there is no appropriate alternative care available.

16 Tours and transport

Licensed tourism operator

- (1) During the restricted activity period in the Relevant Area, a **licensed tourism operator** may organise and operate **licensed tourism services** within the Relevant Area for members of the public residing in the Relevant Area, if:
 - (a) the licensed tourism services are provided wholly in an outdoor space; and
Examples: outdoor tours include hiking and walking tours, horseback riding tours and bicycle tours.
Note: licensed tourism services that require the use of enclosed vehicles (such as a motor vehicle, bus/coach, horse driven wagon, boat, plane or helicopter) are not permitted to operate during the restricted activity period, unless the enclosed vehicle is operated by a member of the public and is only shared by people who have the same principal place of residence, are in an intimate personal relationship or are part of a household bubble.
 - (b) the number of members of the public attending a tour does not exceed 10 in any group (infants under 1 year of age are not counted in this limit), unless all members of the group reside at the same premises; and
 - (c) licensed tourism services are not operated by more than the minimum number of persons required; and
Note: The minimum number of persons required to operate a tour is in addition to the 10 person cap.
 - (d) not more than 1 tour group attend the same outdoor space at any one time, except where a distance of at least 100 metres between groups can be maintained at all times; and
 - (e) the outdoor 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
 - (f) the licensed tourism services only originate, occur and conclude within the Relevant Area and not cross into the Restricted Area; and
 - (g) the licensed tourism operator complies with the records requirement; and
 - (h) if any communal equipment is to be used, it must be cleaned between tours and not shared between members of the public in a tour group.
- (2) Members of the public attending a tour must comply with the face covering requirement in clause 5(11) and (12) of the **Stay Safe Directions (Non-Melbourne)**.
- (3) Despite subclause (1), a licensed tourism operator must not permit use of any indoor space, except toilet facilities and where the indoor space is used as a thoroughfare to an outdoor space (such as a foyer or reception area).

Note 1: persons using toilets or an indoor space are still required to take reasonable steps to maintain a distance of 1.5 metres from all other persons and wear a face covering.

Note 2: to the extent that it is possible, it is advisable for reception activities (such as taking attendances and providing pre-tour information) be conducted in an outdoor space.

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.

16B Restricted area requirement

A person who is required to comply with the restricted area requirement in the circumstances listed in the relevant clause, must use reasonable endeavours to ascertain that the principal place of residence of each member of the public is not in the Restricted Area, before providing service to the member of the public.

Note 1: Under this clause, "reasonable endeavours" does not require a business or undertaking to employ additional staff to meet this requirement.

Example: for unstaffed facilities (or times when facilities are unstaffed), reasonable endeavours does not require extra staff on site, but instead the restricted area requirement could be met by different means such as a sign, email or enquiry at time of booking.

*Note 2: members of the public whose ordinary place of residence is in a Restricted Area are still permitted to travel outside of the Restricted Area for reasons set out in the **Stay at Home Directions (Restricted Areas) (No. 15)**.*

Example: a person can travel to an area outside of a Restricted Area for work (such as delivering food to a food and drink facility) or education, or for care or compassionate reasons (such as visiting their child).

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. 8)** means the directions issued by the Deputy 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) **bus** has the same meaning as in the **Bus Safety Act 2009**;
- (10) **bus service** has the meaning as in the **Bus Safety Act 2009**;
- (11) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (12) **childcare facility** means a facility providing a **childcare or early childhood service**;
- (13) **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;
- (14) **cleaned** has the same meaning as in the **Workplace Directions (No. 5)**;
- (15) **cleaning requirement** has the same meaning as in the **Workplace Directions (No. 5)**;
- (16) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (17) **common areas** of a retail shopping centre has the same meaning as in the **Retail Leases Act 2003**;
- (18) **community facility** has the meaning in clause 6A(2);
- (19) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions (No. 5)**;
- (20) **density quotient** has the same meaning as in the **Workplace Directions (No. 5)**;
- (21) **Direction and Detention Notice** has the same meaning as in the **Stay at Home Directions (Restricted Areas) (No. 15)**;
- (22) **Directions currently in force** has the same meaning as in the **Area Directions (No. 8)**;
- (23) **entertainment facility** has the meaning in clause 7(2);
- (24) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (25) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (26) **food and drink facility** has the meaning in clause 10(2);
- (27) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (28) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (29) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (30) **hairdressing** has the same meaning as in the PHW Act;
- (31) **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;
- (32) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 11)**;
- (33) **household bubble** has the same meaning as in the **Stay Safe Directions (Non-Melbourne)**;

- (34) **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;
- (35) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (36) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (37) **licensed premises** has the meaning in clause 5(2);
- (38) **licensed tourism operator** means a person granted tour operator licence under:
- (a) section 21B of the **Crown Land (Reserves) Act 1978**; or
 - (b) section 57F of the **Forests Act 1958**; or
 - (c) section 140I of the **Land Act 1958**; or
 - (d) section 27D of the **National Parks Act 1975**; or
 - (e) section 21B of the **Wildlife Act 1975**;
- (39) **licensed tourism services** means an activity, guided tour or recreation programme conducted or coordinated by an employee or officer of the licensed tourism operator that is undertaken for profit for tourism purposes including but not limited to ballooning, walking and/or bushwalking tour, a bicycle tour, abseiling, rock climbing, canoeing, kayaking, white water rafting, diving, snorkelling, horse trail riding, marine based tours and, surfing;
- (40) **market** means a public market, whether indoor or outdoor, including a food market;
- (41) **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;
- (42) **motor vehicle** means a motor vehicle within the meaning of the **Road Safety Act 1986** and includes a trailer attached to the vehicle but does not include a bus used to provide a **bus service**;
- (43) **non-contact**, in relation to an activity, a community sport or a physical recreation activity, means an activity, a community sport or a physical recreation activity that is reasonably capable of being undertaken with participants maintaining a distance of 1.5 metres from each other;
- (44) **non-seated outdoor space** means an outdoor space, where a member of the public moves through the venue and is not expected to remain seated and is unlikely to congregate;
- Note: this can include settings such as outdoor animal facilities, but does not include events, including entertainment or sporting events.*
- (45) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (46) **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;
- (47) **outdoor space** means a space that is not an indoor space;
- (48) **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;
- (49) **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;

- (50) **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;
- (51) **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. 5)**;
- (52) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 5)**;
- (53) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (54) **physical recreational facility** has the meaning in clause 6(2);
- (55) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (56) **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 a **playground**;
- (57) **playground** means publicly accessible outdoor play equipment in a public park;
- (58) **premises** has the same meaning as in the **PHW Act**;
- (59) **producer’s licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (60) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (61) **records requirement** has the same meaning as in the **Workplace Directions (No. 5)**;
- (62) **Relevant Area** means the area of Victoria outside the Restricted Area;
- (63) **religious institution** means an entity registered with the Australian Charities and Not-for-Profits Commission, as a charity subtype ‘advancing religion’ under the **Charities Act 2013** of the Commonwealth;
- (64) **religious practitioner** has the same meaning as subsection 995-1(1) of the **Income Tax Assessment Act 1997** of the Commonwealth;
- (65) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No. 11)**;
- (66) **restricted activity period** has the meaning in clause 4;
- (67) **Restricted Area** has the same meaning as in the **Area Directions (No. 8)**;
- (68) **restricted area requirement** has the meaning in clause 16B;
- (69) **restricted retail facility** has the meaning in clause 9(2);
- (70) **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;
- (71) **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;
- (72) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (73) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (74) **seated outdoor space** means an outdoor space with fixed seating;
- (75) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (76) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;

- (77) **sexually explicit entertainment venue** means a venue at which **sexually explicit entertainment** is provided;
- (78) **signage requirement** has the same meaning as in the **Workplace Directions (No. 5)**;
- (79) **vehicle** has the same meaning as in the PHW Act;
- (80) **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;
- (81) **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);
- (82) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (83) **Work Premises** means the premises of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (84) **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 September 2020

ADJUNCT CLINICAL PROFESSOR BRETT SUTTON
Chief Health Officer,
as authorised to exercise emergency powers
under sections 20A and 199(2)(a) of the PHW Act.

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY

Stay Safe Directions (Non-Melbourne)

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, 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:
 - (a) restrict the circumstances in which they may leave the Relevant Area;
 - (b) wear face coverings; and
 - (c) place restrictions on gatherings.
- (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. 5)** to ease the restrictions on leaving ordinary places of residence and on outdoor public gatherings, as well as establish a household bubble system.

2 Citation

These directions may be referred to as the **Stay Safe Directions (Non-Melbourne)**.

3 Revocation

The **Stay at Home Directions (Non-Melbourne) (No. 5)** are revoked at 11:59:00 pm on 16 September 2020.

4 Stay safe period

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

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

- (1) A person who ordinarily resides in the Relevant Area during the stay safe period may leave the **premises** where the person ordinarily resides for any reason subject to subclause (2).
- (2) When leaving their premises, a person:
 - (a) must not travel to the Restricted Area other than in accordance with subclauses (3) to (5); and
 - (b) must comply with the face covering requirements in subclauses (11) and (12); and
 - (c) if leaving the premises where they ordinarily reside for work or education, must only do so if in accordance with clause 6 (**work or education**); and

- (d) must comply with the restrictions on gatherings in clause 7 (**gatherings**); and
- (e) must comply with the Directions currently in force, including (without limitation) by:
 - (i) not engaging in an activity that is prohibited under the **Restricted Activity Directions (Non-Melbourne) (No. 5)**; and
 - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Non-Melbourne) (No. 5)** in accordance with any requirements set out in those directions.

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

*Note 2: if a person experiences a temperature higher than 37.5 degrees or symptoms of respiratory infection, they are strongly encouraged to get a test for 2019-nCoV and remain at their ordinary place of residence until they obtain their test result. If they are diagnosed with 2019-nCoV, they must self-isolate in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 11)**.*

Requirement to stay outside the Restricted Area

- (3) Subject to subclauses (4) and (5), a person who ordinarily resides in the Relevant Area during the stay safe period must not travel to 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. 15)**.

- (3A) Subject to subclauses (4) and (5), a person who ordinarily resides in the Relevant Area during the stay safe period may travel through the Restricted Area in order to travel to another part of the Relevant Area if necessary, but may only stop in the Restricted Area for one or more of the reasons specified in subclause (3).

- (4) If a person who ordinarily resides in the Relevant Area enters the Restricted Area in accordance with subclauses (3), (3A) or (5), the **Stay at Home Directions (Restricted Areas) (No. 15)** and the **Restricted Activity Directions (Restricted Areas) (No. 9)** 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

- (5) If a person has an ordinary place of residence in each of the Relevant Area and the Restricted Area, the person must choose one of these residences to be their principal place of residence for the duration of the stay safe period. If the person chooses an ordinary place of residence in the Relevant Area, they must not leave to go to any other ordinary place of residence in the Restricted Area except:
- (a) for the purposes of (and provided they comply with) clause 6 (**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. If their chosen principal place of residence is in the Relevant Area, they can go to their other residence in the Relevant Area, but they cannot go to their other residence in the Restricted Area except in accordance with subclause (5).

Ordinary place of residence

- (6) Subject to subclauses (7) and (8), subclause (5) does not apply to a person at any time during the stay safe period when the person:
- (a) no longer has an ordinary place of residence in the Relevant Area; or
 - (b) has an ordinary place of residence in the Relevant Area, 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).
- (7) If a suitable premises is made available for a person identified in subclause (6) to reside at for the stay safe period (or part thereof) that premises is taken to be the person's ordinary place of residence for the stay safe period (or part thereof).
- (8) If subclause (6) applies, if a person has another ordinary place of residence in the Restricted Area and can choose such residence to be their principal place of residence for the duration of the stay safe period (or part thereof), that residence is taken to be the person's principal place of residence and subclause (5) and the **Stay at Home Directions (Restricted Area) (No. 15)** apply accordingly.
- (9) If a person's ordinary place of residence is outside Victoria, the premises where that person is temporarily residing in Victoria during the stay safe period (or part thereof) is taken to be the person's ordinary place of residence for the period (or part thereof).
- (10) If, during the stay safe period, a person moves from the premises at which they ordinarily reside to a new premises, the new premises is taken to be the premises at which the person ordinarily resides from midnight on the day that the person moves.

Example: subclause (10) 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 (5).

Face covering requirement

(11) A person may only leave the premises under subclause (1), (3) or (5) if they:

- (a) wear a face covering at all times; and
- (b) if subclause (12) (other than subclause (12)(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.

(12) Subclause (11)(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 – WORK OR EDUCATION

6 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. 5)**.*
 - (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.
- (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:
 - (a) for school educational services (including at a school or non-school senior secondary provider and outside school hours care services) if the person:
 - (i) is required to undertake essential Victorian Certificate of Education (VCE), Victorian Certificate of Applied Learning (VCAL), Vocational Education and Training In Schools (VETiS) or International Baccalaureate 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) has parents or guardians who 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) is a **vulnerable child or young person**; or
 - (iv) is 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.

PART 4 – GATHERINGS**7 Restrictions on gatherings***Private gatherings*

- (1) During the stay safe period, a person who ordinarily resides in the Relevant Area must not permit another person from the Relevant Area to enter the premises at which they ordinarily reside (whether or not entering any building on the premises).

Note: a person who ordinarily resides in the Relevant Area must not gather with another person from the Restricted Area except in accordance with clauses 5(3) and (5) and 7(4).

- (2) Subclause (1) does not operate to prevent any person entering the premises:
- (a) if the other person also ordinarily resides at the premises; or
 - (b) if permitted under, and provided they comply with the requirements of, the Directions currently in force; or
 - (c) to attend or undertake work or education services in accordance with clause 6 (work or education); or

Note: this includes a person who provides professional respite care for carers of people with complex needs, where that professional is permitted to work in accordance with the Directions currently in force.

Example: a tradesperson for the purpose of carrying out repairs.

- (d) to provide childcare, child-minding, early childhood education, schooling or education services (whether paid or on a voluntary basis); or
 - (e) if that person is a parent or guardian of a child who ordinarily resides at the premises, to visit that child; or
 - (f) to provide care and support to a relative or other person who ordinarily resides at the premises and:
 - (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
 - (g) to visit someone who ordinarily resides at those premises and with whom they are in an intimate personal relationship; or
- Note: people in an intimate personal relationship may stay overnight at each other's ordinarily places of residence, and are not required to wear a face covering while visiting each other at those premises, provided they otherwise comply with these directions.*
- (h) if the person is part of a household bubble, provided that there is no one else at the premises except for:

- (i) those persons who ordinarily reside at those premises and any other persons with whom those people are in an intimate personal relationship; and
 - (ii) no more than 4 other persons visiting from that household bubble (with any infant under one year of age not counting towards this limit),
- and:
- (iii) there are only two premises which form the household bubble; and
 - (iv) each premises is only part of one household bubble,
- for the duration of these directions; or

Note 1: under subclause (h), the limit on the number of people who may visit as part of the household bubble system is 5.

Note 2: in accordance with clause 5(3), a person who ordinarily resides in the Relevant Area may not enter the Restricted Area for this purpose. The Stay at Home Directions (Restricted Area) (No. 15) provides that a person who ordinarily resides in the Restricted Area may not enter the Relevant Area for this purpose either.

Note 3: persons in a household bubble may stay overnight at each other's ordinary places of residence, and are not required to wear a face covering while visiting each other at those premises, provided they otherwise comply with these directions.

*Note 4: if a person was a nominee person or a nominated person as part of the social bubble system under the **Stay at Home Directions (Non-Melbourne) (No. 5)**, that system has now ended and the household bubble rules now apply instead.*

- (i) to attend a private inspection of the premises, organised in accordance with any requirements in the **Restricted Activity Directions (Non-Melbourne) (No. 5)**; or
- (j) for the purpose of moving to the premises as the place where they will ordinarily reside; or
- (k) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (l) for medical or emergency purposes; or
- (m) for purposes relating to the administration of justice; or
- (n) as required or authorised by law; or
- (o) for the purposes of **national security**.

*Note: subclause (1) does not apply to a **care facility**, as defined in the **Care Facilities Directions (No. 11)**. Access and visits to care facilities are regulated by those directions.*

- (3) If a person permitted to enter the premises under subclause (2) is a parent or guardian of a child, and they cannot access any child-minding assistance (whether on a paid or voluntary basis) so that they can enter the premises in accordance with subclause (2) without the child, then the child may accompany that person when entering the premises in accordance with subclause (2).
- (4) During the stay safe period, a person who ordinarily resides in the Relevant Area must not permit another person from the Restricted Area to enter the premises at which they ordinarily reside (whether or not entering any building on the premises) unless that other person is entering the premises for one or more of the purposes specified in:
 - (a) clause 7 (**care or other compassionate reasons**);
 - (b) clause 8 (**work or education**);
 - (c) clause 10 (**other specified reasons**),

of, and provided they comply with the requirements set out in, the **Stay at Home Directions (Restricted Areas) (No. 15)**.

Public gatherings

- (5) During the stay safe period, a person in the Relevant Area must not arrange to meet, or organise or intentionally attend a gathering of, more than 9 other persons (with any infant under one year of age not counting towards this limit) for a common purpose at a public place, except:

Note 1: under subclause (5), the limit on the number of people who may meet in a public place at any one time is 10.

Note 2: two or more groups of 10 cannot meet for a common purpose at a public place. In addition, a group in a public place must take reasonable steps to maintain a safe distance from any other groups in that public place.

Note 3: subclause (5) 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) for the purpose of attending a wedding in the Relevant Area that complies with the requirements in subclause (6); 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(3)(c).

- (c) for the purpose of attending a funeral that complies with the requirements in subclause (7); or
- (d) it is necessary to arrange a meeting or organise a gathering for one or more of the following purposes:
 - (i) engaging in an activity permitted under, and provided they comply with any requirements of, the **Restricted Activity Directions (Non-Melbourne) (No. 5)**; or
 - (ii) to attend or undertake work or education services in accordance with clause 6; or
 - (iii) medical or emergency purposes; or
 - (iv) purposes as required or authorised by law; or
 - (v) purposes relating to the administration of justice.

Note: a person may leave the premises at which they ordinarily reside using transport (public or private) regardless of how many people are on the tram, train, or bus or in the vehicle.

Weddings and funerals

- (6) The requirements for a wedding held in the Relevant Area are that:
 - (a) it involves only:
 - (i) the two persons being married; and
 - (ii) the **authorised celebrant**; and
 - (iii) no more than 8 other guests, including the 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 subclauses (1) and (2)(a), (c), (g) and (h).

*Note 1: record keeping requirements apply to weddings as set out in the **Restricted Activity Directions (Non-Melbourne) (No. 5)**.*

*Note 2: the requirements for a wedding held in the Restricted Area are set out in the **Stay at Home Directions (Restricted Areas) (No. 15)**.*

- (7) The requirements for a funeral held in the Relevant Area are that:
 - (a) it involves no more than 20 members of the public (with any infant under one year of age not counting towards this limit) 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 subclauses (1) and (2)(a), (c), (g) and (h).

*Note 1: record keeping requirements apply to funerals as set out in the **Restricted Activity Directions (Non-Melbourne) (No. 5)**.*

*Note 2: the requirements for a funeral held in the Restricted Area are set out in the **Stay at Home Directions (Restricted Areas) (No. 15)**.*

PART 5 – OTHER PROVISIONS

8 Relationship with other Directions

- (1) If there is any inconsistency between Parts 2, 3 and 4 of these directions and the **Diagnosed Persons and Close Contacts Directions (No. 11)**, 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. 11)**, these directions are inoperative to the extent of the inconsistency.

9 Definitions

For the purposes of these directions:

- (1) **Area Directions (No. 8)** means the directions issued by the Deputy 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. 11)**;
- (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) **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.
- (6) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (7) **Directions currently in force** has the same meaning as in the **Area Directions (No. 8)**;
- (8) **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;
- (9) **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;
- (10) **household bubble** means two premises in the Relevant Area where the people who ordinarily reside at both premises have nominated the other to be part of a household bubble for social interaction permitted in accordance with these directions;
- (11) **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;

- (12) **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;
- (13) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (14) **outdoor space** means a space that is not an **indoor space**;
- (15) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 5)**;
- (16) **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;
- (17) **prison** has the same meaning as in the **Corrections Act 1986**;
- (18) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (19) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (20) **Relevant Area** has the meaning in clause 1(2);
- (21) **Restricted Area** has the same meaning as in the **Area Directions (No. 8)**;
- (22) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (23) **stay safe period** has the meaning in clause 4;
- (24) **vehicle** has the same meaning as in the PHW Act;
- (25) **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;
- (26) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (27) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

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 September 2020

ADJUNCT CLINICAL PROFESSOR BRETT SUTTON
Chief Health Officer,
as authorised to exercise emergency powers
under sections 20A and 199(2)(a) of the PHW Act.

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY

Workplace Directions (No. 5)

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, 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.
- (4) These directions replace the **Workplace Directions (No. 4)** and amend the definition of density quotient for **food and drink facilities** in the Relevant Area.

2 Citation

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

3 Deleted clause**4 Revocation**

The **Workplace Directions (No. 4)** are revoked at 11:59:00 pm on 16 September 2020.

5 Commencement

These directions commence at 11:59:00 pm on 16 September 2020 and end at 11:59:00 pm on 11 October 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 (Restricted Areas) (No. 15)** and the **Stay Safe Directions (Non-Melbourne)** 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. 5)** and the **Workplace (Additional Industry Obligations) Directions (No. 5)** 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 (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 must for each 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: 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. 5)**.*
 - (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 metres 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 (3) if they have fewer than five workers working at a Work Premises.
- (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 (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 and health services 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):
- (c) by 2 in relation to an outdoor space of a **food and drink facility** in the Relevant Area; or
 - (d) by 4 in relation to any other shared space or publicly accessible area except for those covered under clause 7(11)(c) and:
 - (i) for an indoor space applies to each single undivided space permitted to operate under these directions; and
 - (ii) for an **indoor zone** applies to each indoor zone within an indoor space permitted to operate under these directions; and
 - (iii) in relation to a publicly accessible space, for an outdoor space (other than in relation to a food and drink facility), market or retail shopping centre, applies to the total space permitted to operate under these directions.

*Note: the number of people allowed in a shared space or publicly accessible area may be subject to any cap under the **Restricted Activity Directions (Non-Melbourne) (No. 5)** that is less than the number of people allowed under the density quotient.*

Example:

A: if an outdoor space in relation to a food and drink facility is 8.5 metres long and 4.5 metres wide, its total area is 38.25 square metres. Given it is an outdoor space in relation to a food and drink facility, then its density quotient is 19.125, so no more than 19 members of the public would be permitted to be in the outdoor space at the same time.

B: 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.

C: 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, so no more than 37 members of the public would be permitted to be in the indoor space at the same time.

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 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: 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

- (vi) 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;
- (9) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 11)**;
- (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. 8)**;
- (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) **food and drink facility** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne) (No. 5)**;
- (16) **health and safety representative** has the same meaning as in the **OHS Act**;
- (17) **indoor space** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne) (No. 5)**;
- (18) **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;
- (19) **inspector** has the same meaning as in the **OHS Act**;
- (20) **market** means a public market, whether indoor or outdoor, including a food market;
- (21) **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;
- (22) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (23) **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. 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.*
- (24) **outdoor space** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne) (No. 5)**;
- (25) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (26) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (27) **PPE** means personal protective equipment;
- (28) **premises** has the same meaning as in the **PHW Act**;
- (29) **reasonably practicable** is to have its ordinary and common sense meaning;
- (30) **records requirement** has the meaning in clause 7(7) to 7(9) (both inclusive);
- (31) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (32) **Relevant Period** has the meaning given in clause 9(1);
- (33) **Restricted Area** has the meaning in the **Area Directions (No. 8)**;
- (34) **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;
- (35) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (36) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 11)**;

- (37) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 11)**;
- (38) **signage requirement** has the meaning in clauses 7(12) and 7(13);
- (39) **suspected case** means a person who is displaying one or more **2019-nCoV Symptoms**;
- (40) **vehicle** has the same meaning as in the **PHW Act**;
- (41) **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.
- (42) **WorkSafe** means WorkSafe Victoria;
- (43) **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 September 2020

ADJUNCT CLINICAL PROFESSOR BRETT SUTTON
 Chief Health Officer,
 as authorised to exercise emergency powers
 under sections 20A and 199(2)(a) of the PHW Act.

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