



# Victoria Government Gazette

No. S 501 Monday 5 October 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

##### Stay at Home Directions (Restricted Areas) (No. 17)

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

#### PART 1 – PRELIMINARY

##### 1 Preamble

- (1) The purpose of these directions is to address the serious public health risk posed to Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions require everyone who ordinarily resides in the **Restricted Area** to limit their interactions with others by:
  - (a) restricting the circumstances in which they may leave the **premises** where they ordinarily reside and the **Restricted Area**; and
  - (b) placing restrictions on gatherings, including prohibiting private gatherings (no visitors to another person's home other than in very limited circumstances).
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions replace the **Stay at Home Directions (Restricted Areas) (No. 16)** to remove the restriction on leaving home for necessary goods and services only once each day, and update the details of the return of students to **school**.

*Note: it is intended that enforcement of the updated face covering requirements will only take effect from 11:59:00 pm on 11 October 2020.*

##### 2 Citation

These directions may be referred to as the **Stay at Home Directions (Restricted Areas) (No. 17)**.

##### 3 Revocation

The **Stay at Home Directions (Restricted Areas) (No. 16)** are revoked at 11:59:00 pm on 4 October 2020.

##### 4 Stay at home period

For the purposes of these directions, the **stay at home period** is the period beginning at 11:59:00 pm on 4 October 2020 and ending at 11:59:00 pm on 11 October 2020.

#### PART 2 – STAY AT HOME

##### 5 Direction – stay at home other than in specified circumstances

*Requirement to stay at home*

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

**SPECIAL**

- (d) clause 9 (*exercise or social interaction*);
- (e) clause 10 (*other specified reasons*).

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

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

#### *Travel restrictions*

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

*Note 1: travelling to an area outside the Restricted Area for exercise or social interaction (including as part of the bubble system) is prohibited under these directions.*

*Note 2: people in an intimate personal relationship, and a nominee person and a nominated person, may stay overnight at each other's premises provided they otherwise comply with these directions.*

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

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

- (1AB) A person must not travel further than 5 km from:

- (a) their premises if they leave under either clause 6 (necessary goods or services), 9(2) or (3) (exercise or social interaction outdoors) or 10(1)(d) (place of worship); or
- (b) their permitted workplace if they are a **permitted worker** and they leave that workplace for a purpose under clause 9(2) (exercise outdoors), provided they carry their **Permitted Worker Permit** with them,

unless:

- (c) the person leaves the premises to obtain goods and services for health or medical purposes under clause 6(1)(b); or
- (d) as a consequence of this requirement, it is not reasonably practicable for the person to obtain necessary goods and services.

*Note 1: this subclause (1AB) does not apply to a person leaving their premises under clause 9(6) or (7) (social interaction with nominee person or nominated person).*

*Note 2: if the closest necessary goods or services are more than 5 km from a person's ordinary place of residence, then it would not be reasonably practicable for that person to obtain goods and services within the travel limits imposed by subclause (1AB).*

*Note 2: where subparagraphs (c) or (d) apply, the person must not travel any further than is reasonably necessary to obtain necessary goods or services.*

- (1AC) Where a person leaves the premises under clause 9(2) or (3) (exercise or social interaction outdoors) or 10(1)(d) (place of worship), the person must:

*Note: this subclause (1AC) does not apply to a person leaving their premises under clause 9(6) or (7) (social interaction with nominee person or nominated person).*

- (a) not leave their premises for a period longer than 2 hours (and which must not be divided into more than 2 sessions); and
- (b) only use a vehicle where:
  - (i) the person is using it by themselves; or
  - (ii) the person is using it with another person with whom they ordinarily reside in accordance with these directions; or
  - (iii) it is not otherwise reasonably practicable for the person to undertake exercise or social interaction without using a vehicle.

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

*Requirement to stay in the Restricted Area*

- (1B) Subject to subclauses (1C) and (1D), a person who ordinarily resides in the Restricted Area during the stay at home period must not leave the Restricted Area other than for one or more of the reasons specified in:
- (a) clause 6 (**necessary goods or services**);
  - (b) clause 7 (**care or other compassionate reasons**);
  - (c) clause 8 (**work or education**);
  - (d) clause 10 (**other specified reasons**).

*Note 1: a person who leaves the Restricted Area for necessary goods or services remains subject to subclause (1A), including not travelling further than 5km from their premises, subject to the exceptions in that subclause.*

*Note 2: a person may visit another person with whom they are in an intimate personal relationship and whose ordinary place of residence is outside the Restricted Area in accordance with clause 7.*

- (1C) If a person who ordinarily resides in the Restricted Area leaves the Restricted Area in accordance with subclause (1B) or (1D), these directions and the **Restricted Activity Directions (Restricted Areas) (No. 11)** apply to that person when outside of the Restricted Area as if they were in the Restricted Area.

*Principal place of residence*

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

*Ordinary place of residence*

- (2) Subject to subclauses (3) and (3A), subclauses (1) and (1D) do not apply to a person at any time during the stay at home period when the person:
- (a) does not have an ordinary place of residence; or
  - (b) has an ordinary place of residence or principal place of residence (as applicable), but that place is temporarily unavailable or is unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the premises).

- (3) If a suitable premises is made available for a person identified in subclause (2) to reside at for the stay at home period (or part thereof):
- (a) that premises is taken to be the person's ordinary place of residence for the period (or part thereof); and
  - (b) subclause (1) applies accordingly.
- (3A) If subclause (2) applies, if a person has more than one ordinary place of residence and can choose another such residence to be their principal place of residence for the duration of the stay at home period (or part thereof), that residence is taken to be the person's principal place of residence and subclause (1D) applies accordingly.
- (4) If a person's ordinary place of residence is outside Victoria, the premises where that person is temporarily residing in Victoria during the stay at home period (or part thereof) is taken to be the person's ordinary place of residence for the period (or part thereof).
- (5) If, during the stay at home period, a person moves from the premises at which they ordinarily reside to a new premises, the new premises is taken to be the premises at which the person ordinarily resides from midnight on the day that the person moves.

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

#### Face covering requirements

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

*Note: face shields on their own do not meet the face covering requirements. Please refer to the Department of Health and Human Services' guidelines for further information.*

- (7) Subclause (6)(a) does not apply if:
- (a) the person is an infant or a child under the age of 12 years; or
  - (b) the person is a student while onsite at a primary school or outside school hours care; or
  - (c) the person is a **prisoner** in a **prison** (either in their cell or common areas), subject to any policies of that prison; or
  - (d) the person is detained in a **remand centre**, **youth residential centre** or **youth justice centre** (either in their room or common areas), subject to any policies of that centre; or
  - (e) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or

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

- (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
- (h) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or

*Examples: teaching, lecturing, broadcasting.*

- (i) the person is working by themselves in an enclosed **indoor space** (unless and until another person enters that indoor space); or

*Example: a person working by themselves in an office.*

- (j) the person is working by themselves in an **outdoor space**, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises with them); or  
*Example: a farmer working by themselves in a field or with their family who lives with them.*
- (k) the person is one of two persons being married while in the process of being married; or
- (l) the person is a professional sportsperson when training or competing; or
- (m) the person is engaged in any strenuous physical exercise; or  
*Examples: jogging, running.*
- (n) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (o) the person is riding a bicycle or motorcycle; or
- (p) the person is consuming food, drink or medicine; or
- (q) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (r) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (s) the person is asked to remove the face covering to ascertain identity; or  
*Examples: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.*
- (t) for emergency purposes; or
- (u) required or authorised by law; or
- (v) doing so is not safe in all the circumstances.

### PART 3 – REASONS TO LEAVE PREMISES

#### 6 Leaving premises to obtain necessary goods or services

- (1) A person who ordinarily resides in the Restricted Area may leave the premises to obtain:
  - (a) take away food or drink; or  
*Note: a person who ordinarily resides in the Restricted Area may not leave their premises to have a dine-in meal at any location.*
  - (b) goods and services for health or medical purposes; or
  - (c) other necessary goods or services including, but not limited to, goods or services provided by:
    - (i) a financial institution;
    - (ii) a government body or government agency;
    - (iii) a post office;
    - (iv) a **pharmacy**;
    - (v) a hardware store;
    - (vi) a petrol station;
    - (vii) a pet store or veterinary clinic;
    - (viii) a **retail facility** that is not prohibited from operating by the **Restricted Activity Directions (Restricted Areas) (No. 11)**, regardless of whether that retail facility is within the Restricted Area or not.  
*Note: a person who ordinarily resides in the Restricted Area may only visit retail facilities to obtain necessary goods or services outside the Restricted Area in accordance with clauses 5(1B) and (1C) and if such retail facilities are permitted to operate in the Restricted Area.*  
*Example: as beauty salons are not open under the **Restricted Activity Directions (Restricted Areas) (No. 11)**, a person may not leave their premises to attend a beauty salon in any location.*

## 7 Leaving premises for care or other compassionate reasons

- (1) A person who ordinarily resides in the Restricted Area may leave the premises:
- (a) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
  - (b) if the person is a parent or guardian of a child (with or without that child):
    - (i) to visit the child if the child is in detention, or in the care of another person; or
    - (ii) to meet any obligations in relation to care and support for that child; or
    - (iii) to take the child to another person's premises for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis); or
    - (iv) to take the child to a **childcare or early childhood service**; or
    - (v) to take the child to a school or outside school hours care service in which they are enrolled in accordance with clause 8(3); or
  - (c) to obtain or provide schooling to a **vulnerable child or young person**; or
  - (d) to provide care and support to a person:
    - (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
    - (ii) because of matters relating to the other person's health (including mental health or pregnancy); or
  - (e) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions (No. 12)**; or
  - (f) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No. 12)**; or
  - (g) to attend a funeral, wedding or **end of life** activity, if that funeral, wedding or end of life activity complies with the requirements in clause 11; or
  - (h) to donate blood; or
  - (i) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
  - (j) to visit a person with whom they are in an intimate personal relationship; or
  - (k) to attend a cemetery or other **memorial** to pay respects to a:
    - (i) deceased person, provided that this does not involve travelling further than 5 km from the premises where the person ordinarily resides; or
    - (ii) deceased relative to remember a key milestone (for example, birthday, date of death, anniversary), provided that this does not involve travelling outside the Restricted Area and is only with:
      - (A) any other person (or people) who ordinarily resides at the same premises as that person; or
      - (B) 4 other **members of the public** (with any infant under one year of age not counting towards this limit) from a maximum of two different premises (including the premises where that person ordinarily resides); or
- Note: the reference to a memorial is to a physical place (for example, a place of interment such as a grave, crypt or cremation niche), not an event. Subclause (1)(k) does not permit a person to attend an event in a person's home.*
- (l) to provide child-minding assistance (whether on a paid or voluntary basis); or

- (m) if the person has a pet at their premises and it is necessary to take the pet outdoors to urinate or defecate, if it is not reasonably practicable for the pet to do so at the person's premises; or

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

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

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

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

## 8 Leaving premises to attend work or education

- (1) Subject to subclauses (2) and (3), a person who ordinarily resides in the Restricted Area may leave the premises to:

- (a) attend work if the person is a permitted worker; or

*Note: a person who ordinarily resides in the Restricted Area, regardless of where they work, must hold a Permitted Worker Permit in accordance with, and comply with, the **Permitted Worker Permit Scheme Directions (No. 6)**.*

- (b) obtain educational services (which includes going to primary or secondary school including outside school hours care).

- (2) A person may leave the premises under subclause (1)(a) only if it is not reasonably practicable for the person to work from the premises.

- (3) A person may leave the premises under subclause (1)(b) only:

- (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 (including the General Assessment Test) at a school, another educational facility or institution, or another venue 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 Restricted Area and the parents or guardians are:

- (A) permitted workers; or

- (B) **permitted higher education students**,

and are not working or studying (as applicable) from home; or

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

- (iii) is a vulnerable child or young person; or

- (iv) is enrolled in a special school outside the Restricted Area; or

- (v) is enrolled at a school in the **Relevant Area**, provided that:

- (A) they were enrolled at that school at the start of the stay at home period; and

- (B) onsite schooling or assessment for their grade or year has resumed in accordance with the **Stay Safe Directions (Non-Melbourne) (No. 2)**; or

*Note: relevant restrictions are also imposed on schools and educational facilities in the Relevant Area under the **Restricted Activity Directions (Non-Melbourne) (No. 6)**.*

*Note: it is currently intended that onsite learning in the Restricted Area will recommence on and from 12 October 2020 for:*

- (a) special schools; and
  - (b) Prep to Grade 6, 11 and 12, and for any student who is otherwise undertaking a Victorian Certificate of Education (VCE), Victorian Certificate of Applied Learning (VCAL), Vocational Education and Training in Schools (VETiS) or International Baccalaureate subject.
- (b) for **higher education services** if they are a permitted higher education student, where it is not reasonably practicable for the person to obtain the higher education services from the premises where they ordinarily reside.

## 9 Leaving premises for exercise or social interaction

- (1) A person who ordinarily resides in the Restricted Area may leave the premises at which they ordinarily reside to exercise or for social interaction in accordance with this clause 9.
- (2) A person may leave the premises at which they ordinarily reside to exercise outdoors:
  - (a) with any other person (or people) who ordinarily resides at the same premises as that person; or
  - (b) with up to four other people (with any infant under one year of age not counting towards this limit) from a maximum of two different premises (including the premises where that person ordinarily resides); or
  - (c) for personal training purposes, but only in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 11)**.

*Note 1: community sport cannot take place in the Restricted Area, nor can a person who ordinarily resides in the Restricted Area participate in any community sport in any location.*

*Note 2: exercise outdoors such as surfing is only permitted if a person can access the water within 5km of the person's ordinary place of residence or permitted workplace if a holder of a Permitted Worker Permit in accordance with clause 5(1AB). Any exercise outdoors must not require the use of a facility. Subject to compliance with this clause 9 and clauses 5(1AB), (1AC) and 11(3), exercise outdoors may include sitting in an outdoor space.*

- (3) A person may leave the premises at which they ordinarily reside for social interaction outdoors with:
  - (a) any other person (or people) who ordinarily resides at the same premises as that person; or
  - (b) up to four other people (with any infant under one year of age not counting towards this limit) from a maximum of two different premises (including the premises where that person ordinarily resides).
- (4) A person leaving the premises under subclause (2) or (3) must take reasonable steps to maintain a distance of 1.5 metres from all other persons.
- (5) Subclause (4) does not prevent a person from walking with another person or persons for the purposes of exercise or social interaction.
- (6) A person may leave the premises at which they ordinarily reside if they are a nominee person or a nominated person for the purposes of social interaction permitted in accordance with clause 11(2)(c)(iii).

*Note: in accordance with clause 5(1B), a person who ordinarily resides in the Restricted Area may not enter the Relevant Area for this purpose. The **Stay Safe Directions (Non-Melbourne) (No. 2)** provides that a person who ordinarily resides in the Relevant Area may not enter the Restricted Area for this purpose either.*

- (7) If either a nominee person or a nominated person 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 leave the premises in accordance with subclause (6) without the child, then the child may accompany the nominee person or nominated person when they leave the premises in accordance with subclause (6).



**10 Leaving premises for other reasons**

- (1) A person who ordinarily resides in the Restricted Area may leave the premises in the following circumstances:
- (a) for emergency purposes; or
  - (b) as required or authorised by law; or
  - (c) for purposes relating to the administration of justice, including, but not limited to, attending:
    - (i) a police station; or
    - (ii) a court or other premises for purposes relating to the justice or law enforcement system; or
  - (d) to attend a **place of worship**, if that place of worship is operating in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 11)**; or
  - (e) to attend a **community facility**, if that facility is operating in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 11)**; or
  - (f) for the purpose of driving a person with whom they ordinarily reside where it is not otherwise reasonably practicable for that person to leave their premises for a purpose permitted under, and provided they comply with, these directions; or  
*Examples: driving a household member who does not have a driver's licence to or from work, to obtain educational services, or to the ordinary place of residence of a person with whom they are in an intimate personal relationship.*
  - (g) if the person is a candidate for, or an employee or volunteer in relation to, a local government election, for the purposes of letterboxing, provided that:
    - (i) the candidate may travel to and within the local government ward for which they are a candidate; and
    - (ii) the employee or volunteer travels within the local government ward in which they ordinarily reside or no more than 5km from their ordinary place of residence; and
    - (iii) in accordance with clause 11(1), they do not enter any other premises; and
    - (iv) letterboxing will be deemed to constitute exercise outdoors under clause 9(2) and they comply with clause 5(1AC) accordingly.  
*Note: a candidate, employee or volunteer must not leave their premises for a period longer than 2 hours (and which must not be divided into more than 2 sessions).*
  - (h) if the premises in which the person ordinarily resides is no longer available for the person to reside in or is no longer suitable for the person to reside in; or
  - (i) for purposes relating to, or associated with, **dealing with residential property**, in accordance with any requirements in the **Restricted Activity Directions (Restricted Areas) (No. 11)**, including to:
    - (i) receive services related to property settlements or commencement or ending of leases in accordance with the Directions currently in force; or
    - (ii) attend or facilitate a pre-arranged private property or display home inspection, provided that the person must not:
      - (A) leave their premises for a period longer than 2 hours; and
      - (B) travel outside the Restricted Area,for this purpose; or

*Note: a person may leave the premises where they ordinarily reside to facilitate a pre-arranged inspection of that premises by an agent and another person.*

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

## PART 4 – GATHERINGS

### 11 Restrictions on gatherings

#### *Private gatherings*

- (1) During the stay at home period, a person must not enter a premises (at which they do not ordinarily reside) in the Restricted Area, except for one or more of the purposes specified in (and provided they comply with) clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8 (work or education), 9(6) or (7) (social interaction with nominee person or nominated person) or 10 (other specified reasons).
- (2) During the stay at home period, a person who ordinarily resides in the Restricted Area must not permit another person to enter the premises at which they ordinarily reside (whether or not entering any building on the premises), unless:
  - (a) the other person also ordinarily resides at the premises; or
  - (b) the person is residing at the premises in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 11)**; or
  - (c) it is necessary for the other person to enter the premises for one or more of the purposes specified in:
    - (i) clause 7 (care or other compassionate reasons); or  
*Note: those entering the premises for a care or other compassionate purpose should be no more than the minimum necessary to do so.*
    - (ii) clause 8 (work or education), provided that the premises is where the work will take place and such work is urgent and essential; or  
*Examples: a tradesperson for the purpose of carrying out urgent and essential repairs; a disability support worker; a vet; a person for end of life faith reasons.*  
*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.*
    - (iii) clause 9(6) or (7) (social interaction with nominee person or nominated person), provided that:
      - (A) the nominee person is permitting their nominated person (and any child permitted to accompany them) to enter the premises; or
      - (B) the nominated person is permitting their nominee person (and any child permitted to accompany them) to enter the premises, but only while the nominated person is otherwise by themselves at their premises,
 and:
      - (C) the nominee person has only one nominated person; and
      - (D) the nominated person has only one nominee person,
 for the duration of these directions; or

- (d) it is necessary for the other person to enter for the purposes of attending a private inspection of the premises, organised in accordance with any restrictions in the **Restricted Activity Directions (Restricted Areas) (No. 11)**, such as an inspection to facilitate property settlements, commencement or ending of leases or a pre-arranged private property inspection in accordance with the Directions currently in force; or
  - (e) it is necessary for the other person to enter for the purpose of moving to the premises as the place where they will ordinarily reside; or
  - (f) it is necessary for the other person to enter for medical or emergency purposes; or
  - (g) the entry is for purposes relating to the administration of justice; or
  - (h) the entry is otherwise required or authorised by law; or
  - (i) the entry is for the purposes of national security.
- (2A) During the stay at home period, a person who ordinarily resides in the Restricted Area must not enter a premises (at which they do not ordinarily reside) outside the Restricted Area except for one or more of the purposes specified in clauses 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons).

#### *Public gatherings*

- (3) During the stay at home period, a person in the Restricted Area must not arrange to meet, or organise or intentionally attend a gathering with, any other person for a common purpose at a public place, except:

*Note: subclause 11(3) does not prevent a person attending a public place (for example, a shopping centre) for a purpose (for example, shopping), where other people are also likely to be attending that public place for a similar purpose. It prevents people from attending a public place intending to gather with other people for a common purpose (for example, meeting family or friends at the shopping centre).*

- (a) for the purpose of exercise or social interaction outdoors in accordance with, and provided they comply with the gathering limitations in, clause 9(2) and (3); or
- (b) if the person is a parent or guardian of a child and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that they can leave the premises for the purpose of exercise or social interaction outdoors with other people without exceeding the gathering limit of 5 people in clause 9(2) and (3), then the parent or guardian and any of their children may meet with one other person for the purpose of exercise or social interaction outdoors; or
- (c) where it is necessary for the person to provide, or the person requires, care and support due to:
  - (i) age, infirmity, disability, illness or a chronic health condition; or
  - (ii) matters relating to the other person's health (including mental health or pregnancy); or
- (d) for the purpose of attending a wedding in a Restricted Area that complies with the requirements in subclause (4); or

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

- (e) for the purpose of attending a funeral that complies with the requirements in subclause (5); or
- (f) for the purpose of attending end of life activity that complies with the requirements in subclause (6); or

- (g) it is necessary to arrange a meeting or organise a gathering for one or more of the purposes specified in:
  - (i) clause 6 (necessary goods or services), provided it is only with any other person (or other people) who ordinarily reside at the same premises; or
  - (ii) clause 7 (care or other compassionate reasons); or
  - (iii) clause 8 (work or education); or
  - (iv) clause 10 (other specified reasons).

*Weddings, funerals and end of life activities*

- (4) The requirements for a wedding held in the Restricted Area are that:
  - (a) the wedding is held outdoors in a public place; or
  - (b) one or both of the two persons being married:
    - (i) are at the end of life; or
    - (ii) will be deported from Australia unless the marriage takes place,
 and in addition to the **authorised celebrant** it involves only five persons:
  - (c) the two persons being married; and
  - (d) three guests, including two persons witnessing the marriage for the purposes of section 44 of the **Marriage Act 1961** of the Commonwealth; and
  - (e) 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
  - (f) if held at a person's ordinary place of residence, it must comply with the gathering restriction in subclause (1).

*Note 1: a wedding held at a person's ordinary place of residence is limited to those persons who ordinarily live at that residence and the celebrant who can enter the premises under subclause (2)(c) (work). Any nominee person or nominated person is subject to these same restrictions.*

*Note 2: record keeping requirements apply to weddings as set out in the **Restricted Activity Directions (Restricted Areas) (No. 11)**.*

*Note 3: the requirements for a wedding held in an area other than in the Restricted Area are set out in the **Stay Safe Directions (Non-Melbourne) (No. 2)**.*

- (5) The requirements for a funeral held in the Restricted Area are that:
  - (a) it involves no more than 10 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 subclause (1).

*Note 1: a funeral held at a person's ordinary place of residence is limited to those persons who ordinarily live at that residence and the persons reasonably necessary for the conduct of the funeral who can enter the premises under subclause (2)(c) (work). Any nominee person or nominated person is subject to these same restrictions.*

*Note 2: record keeping requirements apply to funerals as set out in the **Restricted Activity Directions (Restricted Areas) (No. 11)**.*

*Note 3: the requirements for a funeral held in an area other than in the Restricted Area are set out in the **Stay Safe Directions (Non-Melbourne) (No. 2)**.*

- (6) The requirements for end of life activity in the Restricted Area are that:
  - (a) if a person is experiencing end of life, that person or someone on their behalf may apply to the Chief Health Officer or the Deputy Chief Health Officer for permission to conduct an end of life activity; and

*Examples: a patient is deteriorating and death is expected soon; a patient may be commenced on a care plan for the dying; a person is unlikely to be discharged if they are admitted to hospital.*

- (b) the Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant permission for an end of life activity which involves:
  - (i) the person experiencing end of life and either:
    - (A) any other person (or people) who ordinarily reside at the same premises as that person; or
    - (B) 10 other people (with any infant under one year of age not counting towards this limit); and
  - (ii) those people gathering indoors (including at a person's ordinary place of residence) or outdoors, or attending an entertainment or recreational facility which is permitted to operate in accordance with the Directions currently in force, but in each case only for a set period of time; and
- (c) in any case (other than at a person's ordinary place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient.

## PART 5 – OTHER PROVISIONS

### 12 Relationship with other Directions

- (1) If there is any inconsistency between Parts 2, 3 and 4 of these directions and the **Diagnosed Persons and Close Contacts Directions (No. 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. 12)**, these directions are inoperative to the extent of the inconsistency.

### 13 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. 12)**;
- (4) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
  - (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services; and
  - (b) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (5) **community facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 11)**;
- (6) **dealing with residential property** of a person includes:
  - (a) creating, acquiring, disposing of or assigning an interest in the property; and
  - (b) receiving or making a gift of the property; and

- (c) using the property to obtain or extend credit; and
  - (d) using credit secured against the property; and
- for the avoidance of doubt, includes activities in relation to a display home for any of the purposes in paragraphs (a) to (d);
- (7) **density quotient** has the same meaning as in the **Workplace Directions (No. 6)**;
  - (8) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
  - (9) **Directions currently in force** has the same meaning as in the **Area Directions (No. 8)**;
  - (10) **end of life** means:
    - (a) a situation where a person's death is expected within days (including periods of 14 days or longer), or where the person, with or without existing conditions, is at risk of dying from a sudden acute event; and
    - (b) does not mean a situation where a person has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the person is expected to die within 12 months (except where the situation also falls within paragraph (a));
  - (11) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection (but does not include a face shield);
  - (12) **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;
  - (13) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 12)**;
  - (14) **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;
  - (15) **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;
  - (16) **memorial** means a place of interment of bodily remains or cremated human remains (including a columbarium), as each of these terms are defined in the **Cemeteries and Crematoria Act 2003**;
  - (17) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
  - (18) **nominated person** means a person nominated by a **nominee person** for social interaction permitted in accordance with these directions;
  - (19) **nominee person** means a person who:
    - (a) is not in an intimate personal relationship with any person and lives by themselves; or
    - (b) is the sole parent or guardian of a child who is under 18 years of age or who has a disability and in either case lives with them,and who has nominated one person only to be their **nominated person** for social interaction permitted in accordance with these directions;
  - (20) **outdoor space** means a space that is not an **indoor space**;

- (21) **permitted higher education student** means a student accessing **higher education services**:
- (a) which are permitted to be delivered onsite as set out in the ‘Education and Training’ section of the ‘Permitted Work Premises’ for the purposes of the **Restricted Activity Directions (Restricted Areas) (No. 11)** available at: [www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19](http://www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19) as amended from time to time by the Victorian Government; or
  - (b) in the **Restricted Area** where they are a final year student but need to access onsite teaching, assessment or placements prior to 26 October 2020 if they would not otherwise be able to graduate by the end of January 2021; or
  - (c) in the **Restricted Area** where they are a final year apprenticeship student whose training contracts end by 31 December 2020 but need to access onsite practical training and assessment; or
- (22) **Permitted Work Premises** means the ‘Permitted Work Premises’ for the purposes of the **Restricted Activity Directions (Restricted Areas) (No. 11)** available at: [www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19](http://www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19) as amended from time to time by the Victorian Government;
- (23) **permitted worker** means a person who has received a **Permitted Worker Permit**, or is permitted to work without a Permitted Worker Permit, under the **Permitted Worker Permit Scheme Directions (No. 6)**;
- (24) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 6)**;
- (25) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (26) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (27) **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;
- (28) **prison** has the same meaning as in the **Corrections Act 1986**;
- (29) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (30) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (31) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (32) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (33) **Restricted Area** has the same meaning as in the **Area Directions (No. 8)**;
- (34) **retail facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 11)**;
- (35) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (36) **stay at home period** has the meaning in clause 4;
- (37) **vehicle** has the same meaning as in the PHW Act;
- (38) **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 and the family is experiencing severe stress;
- (39) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (40) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

#### 14 Penalties

Section 203 of the PHW Act provides:

##### **Compliance with direction or other requirement**

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

Dated 4 October 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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**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 (Restricted Areas) (No. 11)

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

**1 Preamble**

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in the **Restricted Area** to address the serious public health risk posed to Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Restricted Activity Directions (Restricted Areas) (No. 10)** restricting activities in areas of Victoria, and:
  - (a) clarify the types of non-residential swimming pools that are permitted to be open; and
  - (b) update the details of the return of students to **school**.

**2 Citation**

These directions may be referred to as the **Restricted Activity Directions (Restricted Areas) (No. 11)**.

**3 Revocation**

The **Restricted Activity Directions (Restricted Areas) (No. 10)** are revoked at 11:59:00 pm on 4 October 2020.

**4 Restricted activity period**

The **restricted activity period** is the period beginning at 11:59:00 pm on 4 October 2020 and ending at 11:59:00 pm on 11 October 2020.

**5 Permitted Work Premises**

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

*Note: the restrictions on Permitted Work Premises include the relevant restrictions listed in the 'Permitted Work Premises' list for the purposes of the **Restricted Activity Directions (Restricted Areas) (No. 11)** available at [www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19](http://www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19) as amended from time to time by the Victorian Government, the **Permitted Worker Permit Scheme Directions (No. 6)**, the **Workplace (Additional Industry Obligations) Directions (No. 7)** and the **Workplace Directions (No. 6)** which include requirements for Work Premises including face covering, COVIDSafe Plan records, density quotient, signage and cleaning requirements.*

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

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

- (c) by permitting employees to work from the place where they ordinarily reside; or
  - (d) as required or authorised by law; or
  - (e) in an emergency; or
  - (f) as otherwise permitted by the Directions currently in force.
- (3) If a **Work Premises** includes multiple functions and some of those functions are not **Permitted Services** or are functions which are prohibited under these directions or any other Directions currently in force, then only those functions which are not prohibited may be undertaken.

*Note: Permitted Services should be undertaken in accordance with the **Permitted Worker Permit Scheme Directions (No. 6)**.*

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

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

## 6 Closed Work Premises

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

## 7 Exceptions

*Permitted operations – physical recreational facilities for educational or workplace purposes*

- (1) A person who owns, controls or operates a **physical recreational facility** in the Restricted Area may operate that facility:
- (a) for the purpose of providing an exclusive venue for a single school at any one time for use for educational purposes; or
  - (b) if it is not open to the public.

*Note: paragraph (b) is intended to permit facilities to operate that are not open to the public, such as schools, workplaces or onsite rehabilitation facilities. Member only facilities are considered open to the public.*

*Permitted operations – professional sport*

- (2) A person who owns, controls or operates a physical recreational facility in the Restricted Area may operate that facility if it is operated for the exclusive use of training for professional and high-performance sports persons if they:
- (a) only permit a person to attend the facility if they are necessary for the management of the facility or professional sport training; and

*Examples: coaching staff of a professional sports team, and persons employed or engaged in the management or maintenance of the facility are necessary attendees.*

- (b) do not permit a **food and drink facility** to operate at the facility, other than to the extent necessary to provide food and drink to persons permitted to attend the facility under paragraph (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 – outdoor personal training*

- (3) A person who owns, controls or operates a **personal training facility** in the Restricted 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 not more than 2 in any group (with any infant under one year of age not counting in this limit); and
  - (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) no access is permitted to indoor facilities, except toilet facilities; and
  - (e) no equipment is made available by the facility for hire, or for communal or shared use; and
  - (f) the person complies with:
    - (i) the **records requirement**; and
    - (ii) the face covering requirement in clause 5(6) and (7) of the **Stay at Home Directions (Restricted Areas) (No. 17)**.

*Permitted operations – outdoor swimming pools*

- (4) A person who owns, controls or operates an outdoor swimming pool or chlorinated spa at a non-residential premises in the Restricted Area may permit members of the public to use the swimming pool or chlorinated spa for the purposes of exercise only if that person ensures that:
  - (a) no access is permitted to indoor facilities, except for toilet facilities; and  
*Note: a change room is not permitted to be used as a facility for changing, but access to a change room is permitted where necessary to enable persons to access toilet facilities or the pool.*
  - (b) no access is permitted to saunas within the facility; and
  - (c) no equipment is made available by the facility for hire, or for communal or shared use; and
  - (d) unless the pool is being used for the purpose of providing an exclusive venue for a single school at any one time for use for educational purposes, the number of members of the public that is permitted at any one time in the water or non-water part of the pool facility is the lesser of:
    - (i) 20 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: a person attending an outdoor swimming pool to only sunbathe, socialise or relax by the pool is not attending the pool for the purposes of exercise.*

*Note 2: 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 3: outdoor hot springs cannot be used.*

- (5) A person who operates a facility under subclause (4) must comply with:
  - (a) the **signage requirement** for each **indoor space** and each outdoor space; and
  - (b) the **cleaning requirement**; and
  - (c) the records requirement.

*Permitted operations – non-residential swimming pools*

- (6) A person who owns, controls or operates a physical recreational facility that is a swimming pool at a non-residential premises in the Restricted Area may operate that facility:
- (a) if it is not open to the public; or
 

*Note: paragraph (a) is intended to permit facilities to operate that are not open to the public, such as schools, workplaces or onsite rehabilitation facilities. Swimming pools that are located at a premises such as an apartment complex or university accommodation and member only facilities are considered open to the public.*
  - (b) for the purpose of providing an exclusive venue for a single school at any one time for use for educational purposes.

*Permitted operations – religious gatherings and ceremonies*

- (7) A person who owns, controls or operates a **place of worship** in the Restricted Area may operate that place of worship during the restricted activity period for the purpose of conducting an outdoor religious gathering or ceremony, if:
- (a) the number of members of the public permitted to attend the gathering or ceremony is not more than 5; and
  - (b) in addition to the maximum of 5 members of the public permitted to attend the religious gathering or ceremony under paragraph (a), one **religious practitioner** employed or otherwise engaged by a **religious institution** must attend in order to lead the religious gathering or ceremony; and
  - (c) no food, drink, crockery, utensils, vessels or other equipment are permitted to be shared by participants; and
  - (d) the person complies with the records requirement.
- Examples: outdoor religious gatherings include mass, Eucharist, blessings.*
- (8) For the purposes of subclause (7), any outdoor religious gathering must be held in an open space proximate to the place of worship.

*Permitted operations – educational facilities*

*Note: it is currently intended that onsite schooling in the Restricted Area will recommence on and from 12 October 2020 for:*

- (a) *special schools; and*
  - (b) *Prep to Grade 6, 11 and 12, and for any student who is otherwise undertaking a Victorian Certificate of Education (VCE), Victorian Certificate of Applied Learning (VCAL), Vocational Education and Training in Schools (VETiS) or International Baccalaureate subject.*
- (9) A person who owns, controls or operates a school or educational facility in the Restricted Area may operate that facility for the purposes of providing:
- (a) school educational services (including at a school or non-school senior secondary provider and outside school hours care services):
    - (i) to a person who is required to undertake essential Victorian Certificate of Education (VCE), Victorian Certificate of Applied Learning (VCAL) assessments, Vocational Education and Training in Schools (VETiS) or International Baccalaureate assessments (including the General Achievement Test) including in relation to undertaking those assessments from a non-school premises; or
    - (ii) to a person if the person's sole parent or sole guardian or each of the person's parents or each of the person's guardians ordinarily resides in:
      - (A) the **Relevant Area** and is unable to work from the premises where they ordinarily reside; or

- (B) the Relevant Area and is a **permitted higher education student** and it is not reasonably practicable for the parent or guardian to obtain the **higher education services** from the premises where the parent or guardian ordinarily resides; or
- (C) the Restricted Area and is a **permitted worker**; or
- (D) the Restricted Area and is a permitted higher education student and it is not reasonably practicable for the parent or guardian to obtain the higher education services from the premises where the parent or guardian ordinarily resides; or

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

- (iii) to a **vulnerable child or young person**; or
- (b) higher education services onsite if they are provided to a permitted higher education student, where it is not reasonably practicable for the person to obtain the higher education services from the premises where the person ordinarily resides.

*Permitted operations – childcare facilities*

- (10) A person who owns, controls or operates a **childcare facility** in the Restricted Area may operate that facility for the purposes of providing services, to any parent or guardian.

*Permitted operations – public library facilities*

- (11) A person who owns, controls or operates a public library (including a toy library) in the Restricted Area may operate that facility during the restricted activity period in accordance with these directions for the purposes of 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.

*Permitted operations – playground facilities and outdoor communal exercise equipment*

- (12) A person who owns, controls or operates a **playground** or outdoor communal exercise equipment in the Restricted Area may operate that facility during the restricted activity period in accordance with these directions and for the purposes of allowing access for its ordinary use by members of the public.

*Permitted operations – real estate activities*

- (13) During the restricted activity period, in the Restricted Area, an **estate agent** may organise:
  - (a) an inspection of a **residential property** or a display home for the purposes of a prospective sale or rental of residential property, if:
    - (i) the inspection is pre-booked and limited to a maximum of 15 minutes in duration; and
    - (ii) the only persons permitted to attend the inspection in addition to the prospective purchaser or tenant and the estate agent are, as the case applies:
      - (A) the intimate partner of the prospective purchaser or tenant or one person who ordinarily resides with the prospective purchaser or tenant; and
      - (B) any child to whom the prospective purchaser or tenant is a parent or guardian, if the prospective purchaser or tenant cannot reasonably access child-minding assistance (whether on a paid or voluntary basis) to care for the child; and

- (b) access to a residential property or a display home for marketing purposes for the prospective sale or rental of residential property if only one person is permitted to attend the property in addition to the estate agent.  
*Examples: a photographer, videographer or stylist.*
- (14) An estate agent that arranges an inspection or access to a residential property under subclause (13) must ensure that:
- (a) the estate agent confirms prior to the inspection or access that all attendees and occupiers of the residential property are not:
- (i) displaying one or more **2019-nCoV Symptoms**; or
  - (ii) self-isolating or self-quarantining as required by the **Diagnosed Persons and Close Contacts Directions (No. 11)**; and
- (b) the occupiers of the residential property are not present at the premises during the inspection; and  
*Note: occupiers of the property should leave the property during the inspection for a purpose permitted under the **Stay at Home Directions (Restricted Areas) (No. 17)**.*
- (c) the residential property is well ventilated; and  
*Example: an estate agent may open external and internal doors and windows to ensure a residential property is well ventilated.*
- (d) the estate agent complies with:
- (i) the cleaning requirement; and
  - (ii) the density quotient; and
  - (iii) the face covering requirement in clause 5(6) and (7) of the **Stay at Home Directions (Restricted Areas) (No. 17)**; and  
*Note: persons attending the inspection will also be subject to the face covering requirement in clause 5(6) and (7) of the **Stay at Home Directions (Restricted Areas) (No. 17)**.*
  - (iv) the records requirement.

## 8 Relationship with other directions

If there is any inconsistency between these directions and a direction or other requirement contained in a **Direction and Detention Notice**, these directions are inoperative to the extent of the inconsistency.

## 9 Other definitions

For the purposes of these directions:

- (1) **2019-nCoV Symptoms** has the same meaning as in the **Workplace Directions (No. 6)**;
- (2) **childcare facility** means a facility providing a **childcare or early childhood service**;
- (3) **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;
- (4) **cleaning requirement** has the same meaning as in the **Workplace Directions (No. 6)**;
- (5) **Closed Work Premises** means a **Work Premises** that is not a **Permitted Work Premises**;

- (6) **density quotient** has the same meaning as in the **Workplace Directions (No. 6)**;
- (7) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (8) **Directions currently in force** has the same meaning as in the **Area Directions (No. 8)**;
- (9) **essential maintenance** means:
  - (a) treating or caring for animals or performing an animal rescue function; or
  - (b) critical maintenance and safety works including to satisfy environmental obligations;
- (10) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (11) **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;
- (12) **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;
- (13) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of them are open or closed;
- (14) **member of the public** 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;
- (15) **outdoor space** means a space that is not an **indoor space**;
- (16) **permitted higher education student** means a student accessing **higher education services**:
  - (a) which are permitted to be delivered onsite as set out in the 'Education and Training' section of the 'Permitted Work Premises' for the purposes of the **Restricted Activity Directions (Restricted Areas) (No. 11)** available at: [www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19](http://www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19) as amended from time to time by the Victorian Government; or
  - (b) in the **Restricted Area** where they are a final year student who requires access to in-person teaching, assessment or work placements in order to graduate by the end of January 2021; or
  - (c) in the **Restricted Area** where they are a final year apprenticeship student whose training contract ends by 31 December 2020 and needs to access onsite practical training and assessment;
- (17) **Permitted Services** means the services of the **Permitted Work Premises** as set out in the 'Permitted Work Premises' list for the purposes of the **Restricted Activity Directions (Restricted Areas) (No. 11)** available at [www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19](http://www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19) as amended from time to time by the Victorian Government;

- (18) **Permitted Work Premises** means the ‘Permitted Work Premises’ for the purposes of the **Restricted Activity Directions (Restricted Areas) (No. 11)** available at: [www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19](http://www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19) as amended from time to time by the Victorian Government;
- (19) **permitted worker** means a person who received a **Permitted Worker Permit** or is permitted to work without a Permitted Worker Permit, under the **Permitted Worker Permit Scheme Directions (No. 6)**;
- (20) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 6)**;
- (21) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (22) **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, water skiing.*
  - (c) a **personal training facility**;
  - (d) a **play centre**;
  - (e) a skatepark;
  - (f) a trampolining centre;
  - (g) an arena;
  - (h) a stadium;
- (23) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (24) **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**;
- (25) **playground** means publicly accessible outdoor play equipment in a public park;
- (26) **premises** has the same meaning as in the PHW Act;
- (27) **records requirement** has the same meaning as in the **Workplace Directions (No. 6)**;
- (28) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (29) **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;
- (30) **religious practitioner** has the same meaning as subsection 995-1(1) of the **Income Tax Assessment Act 1997** of the Commonwealth;
- (31) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (32) **restricted activity period** has the meaning in clause 4;
- (33) **Restricted Area** has the same meaning as in the **Area Directions (No. 8)**;
- (34) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (35) **signage requirement** has the same meaning as in the **Workplace Directions (No. 6)**;
- (36) **vehicle** has the same meaning as in the PHW Act;



- (37) **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 and the family is experiencing severe stress;
- (38) **Work Premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes.

## 10 Penalties

Section 203 of the PHW Act provides:

### Compliance with direction or other requirement

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

Dated 4 October 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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**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 (Additional Industry Obligations) Directions (No. 7)

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

**1 Preamble**

- (1) The presence of a person with a positive diagnosis of Novel Coronavirus 2019 (**2019-nCoV**) at a **Work Premises** is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to limit the number of Victorians attending certain Work Premises to assist in reducing the frequency and scale of **outbreaks** of 2019-nCoV in Victorian workplaces and to establish additional specific obligations on **employers** and **workers** in specific industries in relation to managing the risk associated with 2019-nCoV.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions are intended to supplement any obligations an employer may have under the **OHS Act**, the **Workplace Directions (No. 6)** and the **Permitted Worker Permit Scheme Directions (No. 6)** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace (Additional Industry Obligations) Directions (No. 6)** and ensure that any **perishable food Work Premises** that is a chilled distribution facility is subject to specific additional obligations for high-risk food industries.

**2 Citation**

- (1) These directions may be referred to as the **Workplace (Additional Industry Obligations) Directions (No. 7)**.
- (2) The **Workplace (Additional Industry Obligations) Directions (No. 6)** are revoked at 11:59:00 pm on 4 October 2020.

**3 Deleted clause****4 Commencement**

These directions commence at 11:59:00 pm on 4 October 2020 and end at 11:59:00 pm on 11 October 2020.

**5 Application of directions to certain employers and roles**

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

- (i) **manufacturing facilities**; and
- (j) **wholesale facilities.**

*Note: each of these industries is described in the document titled 'Permitted Work Premises' for the purposes of the **Restricted Activity Directions (Restricted Area) (No. 11)** available at: [www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19](http://www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19) (as amended from time to time by the Victorian Government) in the following categories in square brackets:*

- *Poultry processing facilities [Manufacturing];*
- *Abattoirs and meat processing [Manufacturing];*
- *Seafood processing [Manufacturing];*
- *Supermarket businesses [Retail trade; Transport, postal and warehousing];*
- *Medical supply, pharmaceutical supply and personal protective equipment supply facilities [Manufacturing];*
- *Warehousing and distribution centres [Transport, postal and warehousing];*
- *Construction sites [Construction];*
- *Manufacturing facilities [Manufacturing];*
- *Wholesale facilities [Wholesale Trade]*

*Note: each of the Additional Obligation Industries is a high-risk industry for the purposes of control arrangements made under the **Emergency Management Act 2013**.*

- (2) These directions apply to Additional Obligation Industries Work Premises that are located:
  - (a) in relation to poultry processing facilities, abattoirs and meat processing facilities and seafood processing facilities, anywhere in Victoria; and
  - (b) in relation to all other Additional Obligation Industries not referred to in subclause (2)(a), in the **Restricted Area**.
- (3) The limits on the number of workers at a Work Premises imposed in these directions apply in relation to roles carried out by a worker at the Work Premises including (but not limited to):
  - (a) owner;
  - (b) manager;
  - (c) persons carrying out roles necessary to the functioning of the Work Premises;
  - (d) security personnel;
  - (e) any other person engaged or permitted by an employer to perform work at the Work Premises,but does not apply insofar as it relates to workers:
  - (f) where it is **reasonably practicable** for those workers to work from home; or  
*Note: clause 6 of the **Workplace Directions (No. 6)** requires that an employer must not permit a worker to perform work at the Work Premises where it is reasonably practicable for the worker to work at the worker's place of residence or another suitable premises which is not the Work Premises.*
  - (g) undertaking emergency repairs and emergency maintenance; or
  - (h) whose role primarily relates to:
    - (i) carrying out the **cleaning requirements** in relation to the Work Premises; or
    - (ii) assurance activities in relation to the employer meeting their obligations under the **Workplace Directions (No. 6)** or these directions; or
  - (i) transporting supplies to a Work Premises that is a construction site, where those workers are only on the construction site for such period of time as is reasonably necessary to deliver the supplies to the construction site.

- (4) Workers that provide architecture, surveying, building inspection or engineering services must work from home where reasonably practicable. Where these workers are required to attend a Work Premises for inspection and safety purposes, they are counted as workers for the purposes of subclause (3).
- (5) Workers under subclause (4) who need to move between sites must not visit more than three Work Premises per week, except where those visits are required to meet a minimum statutory obligation or requirement.
- (6) The **daily peak workforce capacity** is the daily average of the highest number of workers at the Work Premises each day calculated over the period of:
  - (a) July 2020; or
  - (b) any three consecutive months in the last 12 months.
- (7) The **daily total workforce capacity** is the daily average of the total number of workers at the Work Premises each day over the period of:
  - (a) July 2020; or
  - (b) any three consecutive months in the last 12 months.

*Example 1:*

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

*6:00 am to 2:00 pm: 120 workers*

*12:00 pm to 8:00 pm: 150 workers*

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

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

*Example 2:*

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

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

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

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

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

## 6 High Risk COVIDSafe Plan

- (1) Each Additional Obligation Industry Work Premises (except for retail facilities) must have a **High Risk COVIDSafe Plan**.
- (2) A **High Risk COVIDSafe Plan** is comprised of:
  - (a) a COVIDSafe Plan completed in accordance with the requirements in the **Workplace Directions (No. 6)** (regardless of whether an Additional Obligation Industry is required to have a COVIDSafe Plan under the **Workplace Directions (No. 6)**); and
  - (b) an Additional Obligation Industry attachment to the COVIDSafe Plan for the relevant industry in the form specified on the Business Victoria website (as amended from time to time by the Victorian Government).
- (3) An employer and the employer's workers must comply with the High Risk COVIDSafe Plan.
- (4) An employer must:
  - (a) comply with any direction given by an **Authorised Officer** or WorkSafe **inspector** to modify a High Risk COVIDSafe Plan, including (but not limited to):

- (i) following an outbreak of **confirmed cases** of 2019-nCoV at a Work Premises;
  - (ii) if the Authorised Officer considers that the High Risk COVIDSafe Plan is not fit for purpose; and
- (b) implement any modifications required in accordance with subclause (4)(a).

*Record-keeping obligations*

- (5) An employer must keep records to demonstrate compliance with these directions, including (but not limited to):
- (a) the High Risk COVIDSafe Plan;
  - (b) all logs created during the time these directions are in place;
  - (c) Work Premises rosters;
  - (d) time and attendance records;
  - (e) payroll data;
  - (f) records of all workers and all visitors who attend the Work Premises in accordance with the **records requirement**.
- (5A) In collecting the information outlined in subclause (5), 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, unless another statutory requirement permits or requires the personal information to be retained.

*Compliance*

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

*Consultation*

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

- (f) by a change to:
  - (i) a workplace; or
  - (ii) the plant, substances, or other things used at a workplace; or
  - (iii) the conduct of work performed at a workplace.

## 7 Additional Industry Obligations

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

*Note: use of pre-existing materials and other guidance is acceptable.*
  - (b) have a cleaning log on display in all shared workplaces and publicly accessible areas which sets out:
    - (i) the dates, times and frequency with which the relevant area has been **cleaned**, including (but not limited to) frequently touched surfaces, toilets and handrails; and
    - (ii) shifts or other relevant worker group changes (where applicable) to show that relevant areas have been cleaned in between shift changes; and
  - (c) require workers to declare in writing at the start of each shift but before entering a Work Premises that the worker:
    - (i) is free of **2019-nCoV Symptoms**; and
    - (ii) has not been in contact with a confirmed case; and
    - (iii) has not been required to **self-isolate** or **self-quarantine** in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 11)**.
- (2) Workers must not attend a Work Premises if they have been tested for 2019-nCoV because they are symptomatic whilst awaiting the result of that test or while their symptoms persist.
- (3) An employer in relation to an Additional Obligation Industry Work Premises (except for retail facilities and construction sites (noting these industries are still subject to obligations under the **Workplace Directions (No. 6)**)) must increase the regularity of comprehensive cleaning by ensuring all areas where workers are working are cleaned at least daily.

*Additional health screening for abattoirs and meat processing facilities, poultry processing facilities, seafood processing facilities, supermarkets and chilled distribution facilities*

- (4) In relation to a Work Premises that is an abattoir, meat processing facility, poultry processing facility, seafood processing facility, **supermarket Work Premises**, or a perishable food Work Premises that is a chilled distribution facility, an employer must:
  - (a) carry out surveillance testing on its workers for 2019-nCoV at a Work Premises in accordance with the requirements of the Department of Health and Human Services; and
  - (b) designate an **employee** or employees as a **COVID Marshal**:
    - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and

- (ii) who has successfully completed training provided by the employer that is in accordance with guidance from the Department of Health and Human Services; and
- (c) arrange operations at the Work Premises so as to have workers working consistently with the same group of other workers where reasonably practicable, including (but not limited to):
  - (i) developing separate shifts in a way that minimises physical interactions between groups of workers attending different shifts;
  - (ii) separates workers into work areas;
  - (iii) dividing work areas up further into separate teams;
  - (iv) providing separate break areas for the separate teams;
  - (v) requiring teams to use separate entrances and exits from other teams;
  - (vi) having a COVID Marshal(s) at the Work Premises whenever workers are on site (excluding the retail **premises** of a supermarket Work Premises);
  - (vii) where workers are from the same household, ensuring they work in the same shift and work area; and
- (d) provide regular training to workers (including, but not limited to, an induction for all workers commencing at, or returning to, the Work Premises) that covers:
  - (i) good hygiene practices; and
  - (ii) advising workers not to attend the Work Premises when unwell; and
  - (iii) compliance with the requirements of subclause (4)(c).
- (e) carry out comprehensive cleaning of the Work Premises each evening; and
- (f) keep records of surveillance testing of workers for 2019-nCoV; and
- (g) keep records of duty rosters for COVID Marshals.

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

- (5) In relation to a Work Premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility, an employer must:
  - (a) ensure that all workers at the Work Premises wear the appropriate level of personal protective equipment:
    - (i) to carry out the functions of the worker's role; and
    - (ii) to mitigate the introduction of 2019-nCoV at the Work Premises including (but not limited to):
      - (A) at a minimum, wearing a surgical face mask; and
      - (B) a face shield; and
      - (C) suitable protective clothing which should be changed at the end of each shift and washed appropriately,unless it is not reasonably practicable to wear a surgical face mask, a face shield and/or protective clothing in the Work Premises or the nature of a worker's work means that it creates a risk to their health and safety; and
  - (b) subject to subclause (32)(e), ensure that workers do not work across multiple Work Premises, in accordance with the requirements in clause 7(17) to (20) (inclusive) of the **Workplace Directions (No. 6)**; and

- (c) test the temperature of each worker each day before they enter the Work Premises and, if the worker's temperature is 37.5°C or more, direct the worker to:
    - (i) leave the Work Premises immediately; and
    - (ii) be tested for 2019-nCoV; and
    - (iii) self-isolate until a negative test result is received; and
  - (d) advise workers to be tested for 2019-nCoV if symptomatic and to self-isolate whilst awaiting the result of that test; and
  - (e) follow any directions from the Department of Health and Human Services in relation to observing workers for symptoms and testing of workers.
- (6) A worker who attends a Work Premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility must not travel in a **vehicle** with another person with whom they do not ordinarily reside unless it is not otherwise reasonably practicable for either person to leave their premises for a purpose permitted under the **Stay at Home Directions (Restricted Areas) (No. 17)** or the **Stay Safe Directions (Non-Melbourne) (No. 3)** (as applicable).

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

#### *Poultry processing facilities in the Restricted Area*

- (7) An employer may only operate a Work Premises that is a poultry processing facility in the Restricted Area if it reduces each of the daily peak workforce capacity and daily total workforce capacity for that Work Premises by 10 percent or to 25 workers, whichever is higher.
- (8) The **Chief Veterinary Officer** may grant an exemption in writing to the requirements of subclause (7).

*Note: an exemption may only be granted where there are unavoidable animal welfare impacts that arise from workforce reductions.*

#### *Poultry processing facilities in the Relevant Area*

- (9) An employer may only operate a Work Premises that is a poultry processing facility in the **Relevant Area** by reducing:
    - (a) each of the daily peak workforce capacity and the daily total workforce capacity by 10 percent; or
    - (b) each of the **weekly peak workforce capacity** and **weekly total workforce capacity** by 10 percent or to 25 workers, whichever is higher, if animal welfare issues exist that need to be managed and the employer has notified the Chief Veterinary Officer.
  - (10) The Chief Veterinary Officer may grant an exemption in writing to the requirements of subclause (9).
- Note: an exemption may only be granted where there are unavoidable animal welfare impacts that arise from workforce reductions.*
- (11) In relation to a Work Premises that is a poultry processing facility in the Relevant Area, the **weekly peak workforce capacity** is calculated by taking the average of the peak number of workers at the Work Premises over a seven-day period, averaged across all weeks in:
    - (a) July 2020 (the weeks starting 29 June 2020 and ending 2 August 2020); or
    - (b) any three-month (13 week) consecutive period in the last 12 months,
 but will only include the days of a week that the poultry processing facility would normally operate.



*Example:*

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

*4.00 am to 10.00 am: 120 workers*

*10.30 am to 4.30 pm: 100 workers*

*5.00 pm to 11.00 pm: 80 workers*

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

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

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

(a) July 2020 (the weeks starting 29 June 2020 and ending 2 August 2020); or

(b) any three-month (13 week) consecutive period in the last 12 months,

but will only include the days of a week that the poultry processing facility would normally operate.

*Example:*

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

*4.00 am to 10.00 am: 120 workers*

*10.30 am to 4.30 pm: 100 workers*

*5.00 pm to 11.00 pm: 80 workers*

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

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

#### *Abattoirs and meat processing facilities in the Restricted Area*

- (13) An employer may only operate a Work Premises that is an abattoir or meat processing facility in the Restricted Area if it reduces each of the daily peak workforce capacity and daily total workforce capacity by 20 percent or to 25 workers, whichever is higher.
- (14) The Chief Veterinary Officer may grant an exemption in writing to the requirements of subclause (13).

*Note: an exemption may only be granted where there are unavoidable animal welfare impacts that arise from workforce reductions.*

#### *Abattoirs and meat processing facilities in the Relevant Area*

- (15) An employer may only operate a Work Premises that is an abattoir or meat processing facility in the Relevant Area by reducing:
- (a) each of the daily peak workforce capacity and the daily total workforce capacity by 10 percent; or
- (b) each of the weekly peak workforce capacity and weekly total workforce capacity by 10 percent or to 25 workers, whichever is higher, if animal welfare issues exist that need to be managed and the employer has notified the Chief Veterinary Officer.
- (16) The Chief Veterinary Officer may grant an exemption in writing to the requirements of subclause (15).

*Note: an exemption may only be granted where there are unavoidable animal welfare impacts that arise from workforce reductions.*

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

*Example:*

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

*4.00 am to 10.00 am: 120 workers*

*10.30 am to 4.30 pm: 100 workers*

*5.00 pm to 11.00 pm: 80 workers*

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

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

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

*Example:*

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

*4.00 am to 10.00 am: 120 workers*

*10.30 am to 4.30 pm: 100 workers*

*5.00 pm to 11.00 pm: 80 workers*

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

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

#### *Seafood processing facilities in the Restricted Area*

- (19) An employer may only operate a Work Premises that is a seafood processing facility in the Restricted Area if it reduces each of the daily peak workforce capacity and daily total workforce capacity by 20 percent or to 40 workers, whichever is higher.
- (20) The Chief Veterinary Officer may grant an exemption in writing to the requirements of subclause (19).

*Note: an exemption may only be granted where there are unavoidable animal welfare impacts that arise from workforce reductions.*

#### *Seafood processing facilities in the Relevant Area*

- (21) An employer may only operate a Work Premises that is a seafood processing facility in the Relevant Area by reducing:
- (a) each of the daily peak workforce capacity and the daily total workforce capacity by 10 percent; or

- (b) each of the weekly peak workforce capacity and weekly total workforce capacity by 10 percent or to 40 workers, whichever is higher, if animal welfare issues exist that need to be managed and the employer has notified the Chief Veterinary Officer.
- (22) The Chief Veterinary Officer may grant an exemption in writing to the requirements of subclause (21).

*Note: an exemption may only be granted where there are unavoidable animal welfare impacts that arise from workforce reductions.*

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

*Example:*

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

*4.00 am to 10.00 am: 120 workers*

*10.30 am to 4.30 pm: 100 workers*

*5.00 pm to 11.00 pm: 80 workers*

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

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

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

*Example:*

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

*4.00 am to 10.00 am: 120 workers*

*10.30 am to 4.30 pm: 100 workers*

*5.00 pm to 11.00 pm: 80 workers*

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

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

#### *Supermarkets and perishable food warehouses and distribution facilities*

- (25) In relation to supermarkets and perishable food warehouses and distribution facilities:
- (a) **supermarket Work Premises** means the total of all supermarket distribution facilities;

(b) **perishable food Work Premises** means:

- (i) a Work Premises that is predominantly a perishable food facility; and
- (ii) the total of all perishable food goods supply chain.

- (26) In relation to any supermarket Work Premises or perishable food Work Premises that is a chilled distribution facility, an employer must ensure that all workers at the supermarket Work Premises or perishable food Work Premises (as applicable) wear a surgical face mask, unless the nature of a worker's work means that it creates a risk to their health and safety.

*Note: surgical face masks may create a risk to health and safety in those parts of a chilled distribution facility where the temperature is below negative five degrees Celsius. If a surgical face mask cannot be worn, the employer is still required to ensure an employee uses a suitable fitted face covering, such as a cloth mask of three plies.*

#### *Warehousing and distribution centres*

- (27) In relation to a Work Premises that is a chilled distribution facility in relation to warehousing and distribution centres, an employer must ensure that all workers at the Work Premises wear a surgical face mask, unless the nature of a worker's work means that it creates a risk to their health and safety.

*Note: surgical face masks may create a risk to health and safety in those parts of a chilled distribution facility where the temperature is below negative five degrees Celsius. If a surgical face mask cannot be worn, the employer is still required to ensure an employee uses a suitable fitted face covering, such as a cloth mask of three plies.*

#### *Medical supply, pharmaceutical supply and personal protective equipment supply facilities*

- (28) An employer may only operate a Work Premises that is a manufacturing, warehousing or distribution centre in relation to medical supply, pharmaceutical supply and personal protective equipment supply facilities if it reduces each of its daily peak workforce capacity and daily total workforce capacity by at least 33 percent.

- (29) A **medical supply, pharmaceutical supply and personal protective equipment supply facility Work Premises** means the total of all medical supply, pharmaceutical supply or protective personal equipment supply facilities operated by an employer. An employer may achieve the reduction specified in subclause (28) by reducing the number of workers in any of its medical supply, pharmaceutical supply and personal protective equipment supply facility Work Premises.

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

- (30) Subclauses (28) and (29) do not apply to a **pharmaceutical warehouse**.
- (31) In relation to a Work Premises that is a chilled distribution facility in relation to medical supply, pharmaceutical supply and personal protective equipment supply facilities, an employer must ensure that all workers at the Work Premises wear a surgical face mask, unless the nature of a worker's work means that it creates a risk to their health and safety.

*Note: surgical face masks may create a risk to health and safety in those parts of a chilled distribution facility where the temperature is below negative five degrees Celsius. If a surgical face mask cannot be worn, the employer is still required to ensure an employee uses a suitable fitted face covering, such as a cloth mask of three plies.*

#### *Construction sites*

- (32) In relation to construction sites:
- (a) a **construction site** is a Work Premises at which civil works, building or construction activities take place;

- (b) **critical and essential infrastructure** means:
- (i) construction or maintenance (including, but not limited to, civil works, building or construction activities) of critical and essential infrastructure (whether privately or publicly funded) where the Victorian Government has deemed, and the Chief Health Officer has endorsed, that it is urgently required for the purposes of sustaining human health, safety and wellbeing, on a case by case basis; or
  - (ii) activities deemed by the Victorian Government from time to time as “State Critical Infrastructure Projects”; or
  - (iii) construction for the purposes of national security or defence;
- (c) the requirements of the **Workplace Directions (No. 6)** apply to Work Premises that are a construction site, including (but not limited to):
- (i) subject to subclause (36), the **density quotient**;
  - (ii) the face coverings and cleaning requirements in the **Workplace Directions (No. 6)**;
- (d) an employer in relation to a Work Premises that is a construction site must comply with the applicable worker reductions for the construction site, except in relation to:
- (i) critical and essential infrastructure; or
  - (ii) critical repairs to any Work Premises where required for emergency or safety (as set out in the ‘Permitted Work Premises’ for the purposes of the **Restricted Activity Directions (Restricted Area) (No. 11)** available at: [www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19](http://www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19) as amended from time to time by the Victorian Government);
- (e) an employer must limit movement of all workers (including, but not limited to, supervisors and on-site specialists) between multiple Work Premises that are construction sites, except in relation to:
- (i) supervisors on **small-scale construction sites** who can move between multiple small-scale construction sites; or
  - (ii) **specialist contractors** who can move between up to 5 construction sites per week; or
  - (iii) specialists who provide safety services; or
  - (iv) those required to meet minimum statutory obligations or requirements (for example, auditors, building inspectors or surveyors).

*Small-scale construction sites*

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

*Early stage land development sites*

- (35) An **early stage land development site** comprises all civil works undertaken on open air, large greenfield sites that are associated with, and preparatory to, construction of multiple individual residential dwellings or industrial or commercial development on that site (including, but not limited to, site remediation and site preparation works, construction of utilities and construction of roads, bridges, stormwater/flood management works and trunk infrastructure).

- (36) An employer may only operate a Work Premises that is an early stage land development site if there are 20 workers (or fewer) per hectare on the Work Premises at any one time.
- (37) For an early stage land development site that is:
- (a) a residential development, once subdivision occurs, the construction of a dwelling on that part of the early stage land development site will be considered a small-scale construction site; and
  - (b) a large-scale residential development (for example, a retirement village) with a single entity responsible for construction, once construction of dwellings has commenced it will be considered a large-scale construction site,
- for the purposes of these directions.
- (38) In relation to an early stage land development site that is an industrial or commercial development, once construction of a building, warehouse or physical structure has commenced it will be considered a large-scale construction site for the purposes of these directions.

*Large-scale construction sites*

- (39) A construction site is a **large-scale construction site** if it is:
- (a) for construction of a building where a planning permit has been issued in relation to the site for a building that is greater than three storeys tall (excluding basement level(s)); or
  - (b) the site size is more than 1,500 m<sup>2</sup> floor size (inclusive of all floors); or
  - (c) for construction of a premises that is predominantly for office use, or that is the internal fit-out of a retail premises; or
  - (d) for construction of a premises that is predominantly for industrial or large format retail use; or
  - (e) deemed to be so under subclause (37)(b) or (38).
- (40) The **baseline daily workforce** for a large-scale construction site is calculated based on the daily average number of workers on the large-scale construction site across the project lifecycle as derived from the large-scale construction site's resourcing plan as of 31 July 2020.
- (41) The project lifecycle commences from the date of on-site mobilisation and ends at handover.
- (42) An employer must not operate a large-scale construction site in excess of 85 percent of the baseline daily workforce or 15 workers, whichever is higher.

*Retail facilities*

- (43) An employer may only operate a Work Premises that is a retail facility:
- (a) for the purposes of fulfilling online orders; and
  - (b) if it reduces each of its daily peak workforce capacity and daily total workforce capacity by 33 percent.
- (44) If there is any inconsistency between subclause (43) and the **Restricted Activity Directions (Restricted Areas) (No. 11)** or the **Restricted Activity Directions (Non-Melbourne) (No. 6)** (as applicable), subclause (43) is inoperative to the extent of the inconsistency.

*Wholesale facilities*

- (45) An employer may only operate a Work Premises that is a wholesale facility if it reduces its daily total workforce capacity by at least 33 percent.

- (46) Subclause (45) does not apply to a Work Premises that is a wholesale facility that is predominantly used for:
- (a) grocery, liquor and tobacco product wholesaling; or
  - (b) animal feed and supplies wholesaling; or
  - (c) pharmaceutical wholesaling; or
  - (d) safety products wholesaling; or
  - (e) cleaning supplies and disinfectants wholesaling; or
  - (f) medical and disability supplies wholesaling.

*Note: the effect of subclause (46) is that there is no workforce capacity limit for the listed wholesale facilities.*

#### *Manufacturing*

- (47) An employer may only operate a Work Premises that is a manufacturing facility if it reduces its daily total workforce capacity by at least 10 percent.

*Note: subclause (47) does not apply in relation to medical supply, pharmaceutical supply and personal protective equipment supply facilities, which are dealt with under subclauses (28) to (31) (inclusive).*

#### *Capacity requirements variation*

- (48) Where there is a risk to food supply, the Chief Executive Officer of Agriculture Victoria or the Deputy Secretary of the Department of Jobs, Precincts and Regions accountable for food supply and logistics may recommend a variation to the daily peak workforce capacity, daily total workforce capacity, weekly peak workforce capacity or weekly total workforce capacity requirements for any Additional Obligation Industry Work Premises set out in these directions, including any conditions on the variation, to the Chief Health Officer.
- (49) Upon considering a recommendation under subclause (48), the Chief Health Officer may approve the recommendation and communicate that approval to the relevant employer(s).

### **7A Relationship with other directions**

- (1) If there is any inconsistency between these directions and a direction or other requirement contained in a **Direction and Detention Notice**, these directions are inoperative to the extent of the inconsistency.
- (2) If there is any inconsistency between these directions and a direction or other requirement contained in the **Workplace Directions (No. 6)**, the **Workplace Directions (No. 6)** are inoperative to the extent of the inconsistency.

### **8 Other definitions**

For the purposes of these directions:

- (1) **2019-nCoV Symptoms** has the same meaning as in the **Workplace Directions (No. 6)**;
- (2) **abattoir** has the meaning under the PrimeSafe licence categories “abattoirs (domestic)” and “abattoirs (exports)”;
- (3) **Additional Obligation Industries** has the meaning in clause 5(1);
- (4) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (5) **baseline daily workforce** has the meaning in clause 7(40);
- (6) **Chief Veterinary Officer** means the chief veterinary officer of the Department of Jobs, Precincts and Regions;
- (7) **cleaned** has the same meaning as in the **Workplace Directions (No. 6)**;
- (8) **cleaning requirement** has the same meaning as in the **Workplace Directions (No. 6)**;
- (9) **confirmed case** means a worker diagnosed with 2019-nCoV;

- (10) **construction site** has the meaning in clause 7(32)(a);
- (11) **COVID Marshal** has the meaning in clause 7(4)(b);
- (12) **critical and essential infrastructure** has the meaning in clause 7(32)(b);
- (13) **daily peak workforce capacity** has the meaning in clause 5(6);
- (14) **daily total workforce capacity** has the meaning in clause 5(7);
- (15) **density quotient** has the same meaning as in the **Workplace Directions (No. 6)**;
- (16) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (17) **Directions currently in force** has the same meaning as in the **Area Directions (No. 8)**;
- (18) **early stage land development site** has the meaning in clause 7(35);
- (19) **employee** includes a person who is self-employed;
- (20) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (21) **High Risk COVIDSafe Plan** has the meaning in clause 6(2);
- (22) **inspector** has the same meaning as in the **OHS Act**;
- (23) **large-scale construction site** has the meaning in clause 7(39);
- (24) **manufacturing facility** means a facility mainly engaged in the physical or chemical transformation of materials, substances or components into new products (excluding agriculture and construction);
- (25) **meat processing facility** has the meaning under the PrimeSafe licence category “further meat processing facilities”;
- (26) **medical supply, pharmaceutical supply, and personal protective equipment supply facility** means a facility that manufactures pharmaceutical and blood products, medical equipment, consumables and **personal protective equipment (PPE)**, including the manufacturing and supply of cloth masks and required raw materials;
- (27) **medical supply, pharmaceutical supply and personal protective equipment supply facility Work Premises** has the meaning in clause 7(29);
- (28) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (29) **outbreak** means:
  - (a) a single **confirmed case** of 2019-nCoV in a resident, staff member or frequent attendee of a residential aged care facility; or
  - (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;

*Note: transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. In some circumstances, the Department of Health and Human Services may identify other settings that are sensitive and where a single confirmed case will trigger an outbreak response. Relevant parties will be informed if this occurs. Determining whether a person is a frequent or infrequent visitor may be based on frequency of visits, time spent in the setting, and number of contacts within the setting.*
- (30) **perishable food Work Premises** has the meaning in clause 7(25)(b);
- (31) **personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;
- (32) **pharmaceutical warehouse** means a warehouse that is licensed under the **Poisons and Therapeutic Goods Act 1966** of New South Wales for the supply of medicines listed under Schedules 2, 3, 4, and 8 of the Poisons List (as defined in that Act), or a warehouse that distributes medical devices and consumables that are registered on the Australian Register of Therapeutic Goods;



- (33) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (34) **poultry processing facility** has the meaning under the PrimeSafe licence category “poultry meat processing facilities”;
- (35) **premises** has the same meaning as in the **PHW Act**;
- (36) **reasonably practicable** is to have its ordinary and common sense meaning;
- (37) **records requirement** has the same meaning as in the **Workplace Directions (No. 6)**;
- (38) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (39) **Restricted Area** has the same meaning as in the **Area Directions (No. 8)**;
- (40) **retail facility** includes any facility that is used wholly or predominantly for:
  - (a) the sale or hire of goods by retail; or
  - (b) the retail provision of services,but does not include a **retail shopping centre**;
- (41) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (42) **seafood processing facility** has the meaning under the PrimeSafe licence category “seafood processing facilities”;
- (43) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 11)**;
- (44) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 11)**;
- (45) **small-scale construction site** has the meaning in clause 7(33);
- (46) **specialist contractor** means:
  - (a) Asphalters;
  - (b) Carpenters;
  - (c) Plasterers;
  - (d) Carpet layers;
  - (e) Sprinkler fitters;
  - (f) Solar installers;
  - (g) Security system installers;
  - (h) Mobile Cranes – Operators and dogmen;
  - (i) Electricians;
  - (j) Plumbers, including roof plumbers;
  - (k) Tile layers, including roof tilers;
  - (l) Concreters;
  - (m) Gold Class riggers;
  - (n) Steel fixers;
  - (o) Post Tensioners;
  - (p) Vertical access riggers;
  - (q) Welders;
  - (r) Precast installers;
  - (s) Caulkers;
  - (t) Floor layers;
  - (u) Window and glass installers/glaziers;
  - (v) Engineers;

- (w) Floor installers;
  - (x) Insulation installers;
  - (y) Brick layers;
  - (z) Joiners;
  - (aa) Painters;
  - (bb) Appliance installers;
  - (cc) Water proofers;
  - (dd) Cladding installers;
  - (ee) Termite specialists;
  - (ff) Mechanics who install and repair plant;
  - (gg) Landscape architects;
  - (hh) Renderers;
  - (ii) Cabinet installers;
  - (jj) Shower screen/mirror installers;
  - (kk) Retaining wall specialists;
  - (ll) Traffic engineers;
  - (mm) Geotechnical specialists;
  - (nn) Heritage and cultural heritage specialists;
  - (oo) Sewer contractors;
  - (pp) Earthworks and drainage specialists;
  - (qq) Telecommunications installers;
  - (rr) Gas contractors;
  - (ss) Flora and fauna specialists;
  - (tt) Garage door installers;
  - (uu) Fencers;
  - (vv) Set out specialists;
  - (ww) Window shutters and blind installers;
- (47) **supermarket** has the same meaning as “supermarket business” in the **Food Act 1984**, and includes supermarket distribution and warehousing (including in relation to liquor products) but excludes retail facilities;
- (48) **supermarket Work Premises** has the meaning in clause 7(25)(a);
- (49) **vehicle** has the same meaning as in the **PHW Act**;
- (50) **weekly peak workforce capacity** has the meaning in clause 7(11);
- (51) **weekly total workforce capacity** has the meaning in clause 7(12);
- (52) **wholesale facility** means a facility used for selling and distributing bulk quantities of goods, including related functions such as storage, sorting, packing and bulk distribution;
- (53) **Work Premises** means the **premises** of an **employer** in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (54) **worker** includes **employees**, labour hire, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work.

## 9 Penalties

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

False or misleading information

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

Penalty: In the case of a natural person, 60 penalty units;  
In the case of a body corporate, 300 penalty units.

*Note: currently, 60 penalty units equals \$9,913 and 300 penalty units equals \$49,566.*

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

Penalty: In the case of a natural person, 60 penalty units;  
In the case of a body corporate, 300 penalty units.

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

- (2) Section 203 of the PHW Act provides:

### **Compliance with direction or other requirement**

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.

Penalty: In the case of a natural person, 120 penalty units;  
In the case of a body corporate, 600 penalty units.

*Note: currently, 120 penalty units equals \$19,826 and 600 penalty units equals \$99,132.*

- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

- (3) A person who fails to comply with these directions is liable for an on-the-spot fine of:

- (a) 10 penalty units (\$1,652) in the case of a natural person; or
- (b) 60 penalty units (\$9,913) in the case of a body corporate.

- (4) Additionally, a person who fails to comply with these directions may in certain circumstances be liable to prosecution under the PHW Act for the maximum penalties outlined in subclause (2).

Dated 4 October 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) (No. 3)

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

**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; and
  - (b) wear **face coverings**; and
  - (c) limit interactions with others by restricting gatherings.
- (4) These directions must be read together with the **Directions currently in force**.
- (5) These directions replace the **Stay Safe Directions (Non-Melbourne) (No. 2)** to update the requirements when travelling to the Restricted Area for necessary goods or services in accordance with the **Stay at Home Directions (Restricted Area) (No. 17)**.

**2 Citation**

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

**3 Revocation**

The **Stay Safe Directions (Non-Melbourne) (No. 2)** are revoked at 11:59:00 pm on 4 October 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 4 October 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. 6)**; and
  - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Non-Melbourne) (No. 6)** 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**);
  - (b) clause 7 (**care or other compassionate reasons**);
  - (c) clause 8 (**work or education**);
  - (d) clause 10 (**other specified reasons**), provided that they must not do so for purposes relating to, or associated with, dealing with residential property in the Restricted Area under clause 10(1)(i),

of, and provided they comply with the requirements set out in, the **Stay at Home Directions (Restricted Areas) (No. 17)**.

- (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. 17)** and the **Restricted Activity Directions (Restricted Areas) (No. 11)** apply to that person when they are 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 Areas) (No. 17)** 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 requirements*

- (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: face shields on their own do not meet the face covering requirements. 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. 6)**.*
  - (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 (including the General Assessment Test) at a school, another educational facility or institution, or another venue 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 special school in the Relevant Area; or
  - (v) is enrolled at a school in the Relevant Area in:
    - (A) Prep to Grade 6 at a standalone primary school (that is, not a Prep to Year 12 (P-12) school), but only on and from 5 October 2020; or
    - (B) Prep to Grade 6 at a Prep to Year 12 (P-12) school, but only on and from 8 October 2020; or
  - (vi) is enrolled at a school in the Restricted Area, provided that onsite schooling or assessments for their grade or year has resumed in accordance with the **Stay at Home Directions (Restricted Areas) (No. 17)**; or
 

*Note: it is currently intended that onsite learning will recommence on and from 12 October 2020 for:*

    - (a) Years 7 to 12 in the Relevant Area
    - (b) special schools in the Restricted Area; and
    - (c) Prep to Grade 6, 11 and 12, and for any student who is otherwise undertaking a Victorian Certificate of Education (VCE), Victorian Certificate of Applied Learning (VCAL), Vocational Education and Training in Schools (VETiS) or International Baccalaureate subject in the Restricted Area.
- (b) for higher education services:
- (i) in the Relevant Area, or
  - (ii) in the Restricted Area if they are a permitted higher education student in accordance with the **Stay at Home Directions (Restricted Areas) (No. 17)**,
- 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 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.*
- (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 Areas) (No. 17)** 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 an inspection of real estate for the purposes of a prospective sale or rental of the property, organised in accordance with any requirements in the **Restricted Activity Directions (Non-Melbourne) (No. 6)**; 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. 12). 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. 17)**.

#### *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 a religious gathering (including ceremonies) outdoors with no more than 9 other persons plus one faith leader, provided they comply with any requirements of, the **Restricted Activity Directions (Non-Melbourne) (No. 6)**; or
- (c) 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).*

- (d) for the purpose of attending a funeral that complies with the requirements in subclause (7); or

- (e) for the purpose of attending **end of life** activity that complies with the requirements in subclause (8); or
- (f) 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. 6)**; 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, funerals and end of life activities*

- (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. 6)**.*

*Note 2: the requirements for a wedding held in the Restricted Area are set out in the **Stay at Home Directions (Restricted Areas) (No. 17)**.*

- (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. 6)**.*

*Note 2: the requirements for a funeral held in the Restricted Area are set out in the **Stay at Home Directions (Restricted Areas) (No. 17)**.*

- (8) The requirements for end of life activity in the Relevant Area are that:
  - (a) if a person is experiencing end of life, that person or someone on their behalf may apply to the Chief Health Officer or the Deputy Chief Health Officer for permission to conduct an end of life activity; and

*Examples: a patient is deteriorating and death is expected soon; a patient may be commenced on a care plan for the dying; a person is unlikely to be discharged if they are admitted to hospital.*

- (b) the Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant permission for an end of life activity which involves:
  - (i) the person experiencing end of life and either:
    - (A) any other person (or people) who ordinarily reside at the same premises as that person; or
    - (B) 10 other people (with any infant under one year of age not counting towards this limit); and
  - (ii) those people gathering indoors (including at a person's ordinary place of residence) or outdoors, or attending an entertainment or recreational facility which is permitted to operate in accordance with the Directions currently in force, but in each case only for a set period of time; and
- (c) in any case (other than at a person's ordinary place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient.

## 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. 12)**, 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. 12)**;
- (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** has the same meaning as in the **Workplace Directions (No. 6)**;
- (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) **end of life** means:
- (a) a situation where a person's death is expected within days (including periods of 14 days or longer), or where the person, with or without existing conditions, is at risk of dying from a sudden acute event; and
  - (b) does not mean a situation where a person has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the person is expected to die within 12 months (except where the situation also falls within paragraph (a));
- (9) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection (but does not include a face shield);
- Note: it is intended that enforcement of this updated definition of face covering will only take effect from 11:59:00 pm on 11 October 2020.*
- (10) **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;
- (11) **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;
- (12) **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;
- (13) **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;
- (14) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (15) **outdoor space** means a space that is not an **indoor space**;
- (16) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 6)**;
- (17) **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;
- (18) **prison** has the same meaning as in the **Corrections Act 1986**;
- (19) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (20) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (21) **Relevant Area** has the meaning in clause 1(2);
- (22) **Restricted Area** has the same meaning as in the **Area Directions (No. 8)**;
- (23) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (24) **stay safe period** has the meaning in clause 4;
- (25) **vehicle** has the same meaning as in the PHW Act;

- (26) **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;
- (27) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (28) **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 4 October 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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