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Public Health and Wellbeing Act 2008

EXTENSION OF DECLARATION OF A STATE OF EMERGENCY

(Section 198(7)(c))

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

The Minister for Health extended the Declaration under section 198(7)(c) of the Act on:

- 12 April 2020 (effective midnight on 13 April 2020);
- 11 May 2020 (effective midnight on 11 May 2020);
- 31 May 2020 (effective at 11:59:00 pm on 31 May 2020);
- 21 June 2020 (effective at 11:59:00 pm on 21 June 2020);
- 19 July 2020 (effective at 11:59:00 pm on 19 July 2020);
- 16 August 2020 (effective at 11:59:00 pm on 16 August 2020); and
- 13 September 2020 (effective at 11:59:00 pm on 13 September 2020).

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

This extension takes effect at 11:59:00 pm on 11 October 2020 and remains in force until 11:59:00 pm on 8 November 2020.

Dated 11 October 2020

MARTIN FOLEY MP
Minister for Health

SPECIAL

Public Health and Wellbeing Act 2008

Section 200

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

Area Directions (No. 9)

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**):

1 Preamble

- (1) The purpose of these directions is to address the serious public health risk posed to Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions identify areas within Victoria which have a higher prevalence of, or risk of exposure to, 2019-nCoV and which are subject to specific directions which are reasonably necessary to protect public health.
- (3) These directions must be read together with the **Directions currently in force**.

2 Citation

These directions may be referred to as the **Area Directions (No. 9)**.

3 Commencement and revocation

- (1) These directions apply beginning at 11:59:00 pm on 11 October 2020 and ending at 11:59:00 pm on 8 November 2020.
- (2) The **Area Directions (No. 8)** are revoked at 11:59:00 pm on 11 October 2020.

4 Restricted Area

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

5 Addition or exclusion power

- (1) The Chief Health Officer or Deputy Chief Health Officer may add to or exclude from the Restricted Area any municipal district, suburb, locality, address or other identified area, if satisfied that such an addition or exclusion is appropriate, having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.
- (2) An addition or exclusion under subclause (1) must:
 - (a) be in writing and published on the website of the Department of Health and Human Services; and
 - (b) specify the relevant municipal district, suburb, locality, address or other identified area with sufficient particularity.
- (3) An addition or exclusion under subclause (1) does not prevent an **authorised officer** from exercising an emergency power to give a person a different direction or impose a different requirement on the person.

6 Relationship with other directions

- (1) If there is any inconsistency between any Directions currently in force (or a provision of such a direction) that applies generally to the State of Victoria and an equivalent Direction currently in force (or a provision of such a direction) that applies specifically to the Restricted Area, then the direction that applies to the Restricted Area prevails to the extent of the inconsistency.

- (2) If there is any inconsistency between these directions and a direction or other requirement contained in a **Direction and Detention Notice**, these directions are inoperative to the extent of the inconsistency.
- (3) Unless the context otherwise requires, a reference in any Directions currently in force, in any Direction and Detention Notice, or in any approved form under a Direction currently in force or a Direction and Detention Notice to:
 - (a) a Direction currently in force or these directions, or a defined term in a Direction currently in force or these directions, will be taken to mean that direction (and hence that defined term) as amended or replaced from time to time; or
 - (b) an earlier version of a particular Direction currently in force or these directions will be taken to be a reference to the current version of that particular direction.

7 Definitions

In these directions:

- (1) **authorised officer** has the same meaning as in the PHW Act;
- (2) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (3) **Directions currently in force** means the **Restricted Activity Directions (Restricted Areas) (No. 12)**, the **Restricted Activity Directions (Non-Melbourne) (No. 7)**, the **Stay at Home Directions (Restricted Areas) (No. 18)**, the **Stay Safe Directions (Non-Melbourne) (No. 4)**, the **Diagnosed Persons and Close Contacts Directions (No. 12)**, the **Hospital Visitor Directions (No. 13)**, the **Care Facilities Directions (No. 13)**, the **Workplace Directions (No. 7)**, the **Workplace (Additional Industry Obligations) Directions (No. 8)** and the **Permitted Worker Permit Scheme Directions (No. 7)**, each as amended or replaced from time to time;
- (4) **greater Melbourne** means the **municipal districts** under the local government of:
 - (a) Banyule City Council;
 - (b) Bayside City Council;
 - (c) Boroondara City Council;
 - (d) Brimbank City Council;
 - (e) Cardinia Shire Council;
 - (f) Casey City Council;
 - (g) Darebin City Council;
 - (h) Frankston City Council;
 - (i) Glen Eira City Council;
 - (j) Greater Dandenong City Council;
 - (k) Hobsons Bay City Council;
 - (l) Hume City Council;
 - (m) Kingston City Council;
 - (n) Knox City Council;
 - (o) Manningham City Council;
 - (p) Maribyrnong City Council;
 - (q) Maroondah City Council;
 - (r) Melbourne City Council;
 - (s) Melton City Council;
 - (t) Monash City Council;

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

8 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Dated 11 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****Restricted Activity Directions (Restricted Areas) (No. 12)**

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. 11)** restricting activities in areas of Victoria, and 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. 12)**.

3 Revocation

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

4 Restricted activity period

The **restricted activity period** is the period beginning at 11:59:00 pm on 11 October 2020 and ending at 11:59:00 pm on 8 November 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. 12)** available at 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. 7)**, the **Workplace (Additional Industry Obligations) Directions (No. 8)** and the **Workplace Directions (No. 7)** 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. 7)**.*

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
 - (ca) to enable a person to undertake an essential Victorian Certificate of Education (VCE), Victorian Certificate of Applied Learning (VCAL), Vocational Education and Training in Schools (VETiS) or International Baccalaureate assessment as part of school educational services permitted under clause 7(9)
 - (a) to be provided by a person who owns, controls or operates a school or educational facility; or
- Example: the operator of school may hire a hall or lecture theatre to conduct a VCE exam off school premises.*
- (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. 18)**.

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 or ceremony must be held in an open space proximate to the place of worship.

Permitted operations – educational facilities

- (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 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;

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

- (ii) to a **vulnerable child or young person**;
- (iii) on and from 12 October 2020, to a person who is enrolled to attend:
- (A) a primary school; or
- (B) a special school; or
- (C) a secondary school if the student is either:
1. enrolled in year 7, 11 or 12; or
 2. 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; and
- (iv) on and from 26 October 2020, to a person who is enrolled to attend any primary or secondary school; and

Note: students in years 8-10 return to secondary school from 26 October 2020.

- (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. 12)**; 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. 18).
 - (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. 18)**; 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. 18).
 - (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. 7)**;
- (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. 7)**;
- (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. 7)**;
- (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. 9)**;
- (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. 12)** available at: 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. 12)** available at 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. 12)** available at: 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. 7)**;
- (20) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 7)**;
- (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. 7)**;
- (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. 9)**;
- (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. 7)**;
- (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;
- (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 11 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

Restricted Activity Directions (Non-Melbourne) (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 purpose of these directions is to restrict the operation of certain businesses and undertakings in the **Relevant Area** to address the serious public health risk posed to Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) For the purposes of these directions, the **Relevant Area** means the area of Victoria outside the **Restricted Area**. More specific directions apply to those businesses in the Restricted Area.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions replace the **Restricted Activity Directions (Non-Melbourne) (No. 6)** restricting activities in areas of Victoria, and provide:
 - (a) requirements on businesses in the Relevant Area in relation to any customers from the Restricted Area; and
 - (b) circumstances in which indoor and outdoor physical recreation facilities are permitted to be used.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Non-Melbourne) (No. 7)**.

3 Revocation

The **Restricted Activity Directions (Non-Melbourne) (No. 6)** are revoked at 11:59:00 pm on 11 October 2020.

4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00 pm on 11 October 2020 and ending at 11:59:00 pm on 8 November 2020.

5 Pubs, bars, clubs, nightclubs and hotels

- (1) A person who owns, controls or operates a **licensed premises** in the Relevant Area must not operate that **premises** during the restricted activity period.
- (2) A **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer's licence** or a **club licence**.
- (3) Despite subclause (1), a person who owns, controls or operates a licensed premises in the Relevant Area may operate that premises for the purposes of:
 - (a) operating a **bottleshop**; or
 - (b) providing food or drink in accordance with clause 10; or
 - (c) providing accommodation in accordance with clause 11.

Permitted operations – retail betting venues

- (4) Despite subclause (1), a person who owns, controls or operates a **retail betting venue** may operate the venue if the retail betting venue is wholly contained within a licensed premises if:

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

6 Physical recreational facilities

- (1) A person who owns, controls or operates a **physical recreational facility** in the Relevant Area must not operate that facility during the restricted activity period.
- (2) A **physical recreational facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a facility used predominantly for indoor sport or physical recreation;
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,but does not include:
 - (g) a skatepark or a trampolining centre if any of these facilities are in an **outdoor space**; or
 - (h) outdoor communal exercise equipment.

Note: outdoor communal exercise equipment can be used.

Permitted operations – outdoor activities

- (3) Despite subclause (1), a person who owns, controls or operates a facility under subclause (2)(b) (outdoor sport or physical recreational facility) or 2(c) (personal training facility) in the Relevant Area may operate that facility if:
 - (a) its services are provided in an outdoor space; and

- (b) the number of members of the public to whom its services are provided is:
- (i) not more than 10 in any group (with any infant under one year of age not counting in this limit); or
 - (ii) more than 10 in a group, if all persons have the same ordinary place of residence,
- and, unless permitted under clause 6B, not more than 10 in total at the outdoor facility at any one time, except where a distance of at least 100 metres between groups can be maintained at all times; and
- Example: at a golf course, there may be multiple groups of 10 people, so long as a distance of at least 100 metres between all groups can be maintained at all times.*
- (c) the space available is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
 - (d) the person complies with the records requirement; and
 - (e) if any shared equipment is to be used, it must be **cleaned** between users.
- (4) Despite subclause (3), a person who owns, controls or operates a facility under subclause (2)(b) (outdoor sport or physical recreational facility) may operate that facility for the purposes of outdoor sport or physical recreation, but must not permit use of the indoor facilities, other than change rooms and toilet facilities.
- Examples: a golf or tennis club may operate to permit outside golf or tennis, although club rooms and indoor sitting areas are to remain closed.*

Permitted operations – professional sport

- (5) Despite subclauses (1) and (3), a person who owns, controls or operates a physical recreational facility in the Relevant Area may operate that facility if it is operated for the exclusive use for training for professional and high-performance sports persons, including for training purposes by one such team at any one time.
- (6) A person who operates a facility under subclause (5) must 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 – broadcast of fitness or dance classes

- (7) Despite subclause (1), a person who owns, controls or operates a physical recreational facility in the Relevant Area may operate that facility for the purpose of allowing a fitness or dance class to occur at the premises, if that class is to be broadcast (live or otherwise) via electronic means.
- (8) If a fitness or dance class is held at a facility for the purposes of subclause (7), the only persons permitted to attend the facility are those necessary for the fitness or dance class and the broadcasting of that class, up to a maximum of 5 people.
- (9) A person who owns, operates or controls a physical recreational facility under subclause (7) during the restricted activity period may permit the use of shared equipment provided it is cleaned between each user and must:
 - (a) limit the number of people in the facility at any time to the number permitted by the density quotient; and
 - (b) comply with:
 - (i) the signage requirement for each **indoor space** and outdoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
 - (c) comply with the **face covering** requirement as referred to in the **Workplace Directions (No. 7)**, with only one person at a time permitted to undertake strenuous exercise and remove their face covering under the exemption while exercising.

Permitted operations – schools or workplace purposes

- (10) Despite subclause (1), a person who owns, controls or operates a physical recreational facility 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.

6A Community facilities

- (1) A person who owns, controls or operates a **community facility** in the Relevant Area may operate that facility during the restricted activity period only for the purpose of:
- (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or
Examples: a food bank, a service for homeless persons.
 - (b) hosting an essential support group; or
Examples: for alcohol and drugs, family violence and parenting.
 - (c) hosting a wedding or funeral in accordance with subclause (4); or
 - (d) providing an exclusive venue for a single school or outside school hours care services at any one time for use for educational purposes; or
Note: paragraph (d) is intended only to allow the students that are permitted to attend school to use these facilities.
 - (e) providing a library service (including a toy library) to the extent necessary to facilitate home delivery and **non-contact** collection and return of books or toys; or
 - (f) conducting activities in an outdoor space, subject to the public gathering limits in the **Stay Safe Directions (Non-Melbourne) (No. 4)**, plus the person required to conduct the activity; or
 - (g) in relation to a **playground**, allowing access for its ordinary use by members of the public; or
 - (h) in relation to outdoor communal exercise equipment, allowing access for the ordinary use by persons exercising outdoors.
- (2) A **community facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a community centre or community hall;
 - (b) a public library (including a toy library);
 - (c) a youth centre;
 - (d) a playground.

Restrictions – essential support groups

- (3) A person who operates a facility under subclause (1)(b) must:
- (a) limit the number of members of the public in each indoor space to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 20; and
 - (b) comply with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and

- (iii) the records requirement, except in relation to essential support groups if confidentiality is typically required.

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

Restrictions – weddings and funerals

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

Permitted operations – broadcast

- (5) Despite subclause (1), a person who owns, controls or operates a community facility in the Relevant Area may operate that facility for the purpose of allowing a performance to occur at the premises, if that performance is to be broadcast (live or otherwise) via electronic means.
- (6) If a performance is held at a community facility for the purposes of subclause (5), the only persons permitted to attend the facility are those necessary for the performance and the broadcasting of that performance to occur.

6B Community sport

Persons aged 19 years or over

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

Example: running and cycling are individual events.

Persons aged 18 years or under

- (2) A member of the public aged 18 years or under may participate in a community sport if:
 - (a) all members of the public participating in a group are aged 18 years or under; and
 - (b) it is conducted outdoors; and
 - (c) it is conducted in the Relevant Area; and
 - (d) it does not involve a participant who ordinarily resides in the Restricted Area; and
 - (e) no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
 - (f) no more than 10 members of the public participate for individual events.

Example: running and cycling are individual events.

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

Example: running and cycling are individual events.

Note: a reference in this subclause to members of the public participating is not intended to apply to a referee or trainer or those required for supervision of young children or to support people with a disability, for example cricket may be played with 2 teams of 11 players and the necessary coaching personnel and umpires.

7 Entertainment facilities

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

Permitted operations – broadcast

- (3) Despite subclause (1), a person who owns, controls or operates an entertainment facility in the Relevant Area may operate that facility for the purpose of allowing a performance to occur at the premises, if that performance is to be broadcast (live or otherwise) via electronic means.
- (4) If a performance is held at a facility for the purposes of subclause (3), the only persons permitted to attend the facility are those necessary for the performance and the broadcasting of that performance to occur.
- (5) If a performance is held at a facility for the purposes of subclause (3), a person who owns, controls or operates that facility must comply with:
- (a) the signage requirement for each indoor space; and

- (b) the cleaning requirement; and
- (c) the records requirement.

Permitted operations – non-seated outdoor space

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

Permitted operations – seated outdoor space

- (5B) Despite subclause (1), a person who owns, controls or operates a facility listed in subclause (2)(a) (theatre), (2)(b) (cinema) except for a drive-in cinema, (2)(c) (music hall, concert hall or auditorium), 2(d) (gallery or a museum) or 2(e) (arena, stadium or convention centre) may operate a **seated outdoor space** in the facility, except for entertainment or sporting events, if:
- (a) the number of members of the public permitted in the facility at any time is the lesser of:
 - (i) 50; or
 - (ii) 25% of the maximum fixed seating capacity; and
 - (b) no access is permitted to any indoor space in the facility, except for toilet facilities or to permit access to an outdoor space or for the purposes of operations under subclause (3) or (5); and
 - (c) a member of the public is required to be seated:
 - (i) at least 1.5 metres away from all members of the public who are not from the same group; and
 - (ii) so that the maximum number of members of the public in a group is compliant with the restrictions on public gatherings in the **Stay Safe Directions (Non-Melbourne) (No. 4)**; and
 - (d) a COVIDSafe Plan is in place for the facility; and
 - (e) any food and drink facility operates in accordance with clause 10; and
 - (f) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Example: an outdoor grandstand is a seated outdoor space.

Permitted operations – indoor space

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

Permitted operations – professional sport

- (6) Despite subclause (1), a person who owns, controls or operates an arena or stadium in the Relevant Area may operate that facility for the purpose of:
- (a) providing an exclusive training venue for training for professional and high-performance sports persons only; or
Note: physical recreational facilities located at an arena or stadium must comply with the requirements in clause 6(5) and (6).
 - (b) providing a venue for a professional sporting event.
- (7) A person who operates a facility under subclause (6) must:
- (a) only permit to attend the facility a person who is necessary for the management of the facility, professional sporting event, training or the broadcasting of such an event to occur; and
Examples: coaching staff of a professional sports team, and persons employed or engaged in the management or maintenance of the facility are necessary attendees.
Note: spectators are not necessary and not permitted for professional sporting events.
 - (b) not permit a food and drink facility to operate at the arena or stadium, other than in accordance with clause 10 and to the extent necessary to provide food and drink to persons permitted to attend the arena or stadium under subclause 7(a); and
 - (c) use all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – arena or stadium

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

Permitted operations – drive-in cinemas

- (9) Despite subclause (1), a person who owns, controls or operates a drive-in cinema may operate that venue if:
- (a) the cinema is in an outdoor space accessed by **vehicles**; and
 - (b) persons are not permitted to be seated outside of their vehicles; and

- (c) no access is permitted to an indoor space in the facility, except for toilet facilities or to permit access to an outdoor space or for the purposes of operations under subclause (3) or (5); and
- (d) a COVIDSafe Plan is in place for the facility; and
- (e) the maximum capacity for the facility is 500 or more, a COVIDSafe Plan for the facility is published on the organisation's Internet website prior to the first opening of the facility; and
- (f) any food and drink facility operates in accordance with clause 10; and
- (g) the person complies with the cleaning requirement; and
- (h) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

8 Places of worship

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

Permitted operations

- (2) Despite subclause (1), a person who owns, controls or operates a place of worship in the Relevant Area may operate that place of worship during the restricted activity period for the purpose of:
- (a) hosting a wedding or funeral, if that wedding or funeral complies with the requirements of the **Stay Safe Directions (Non-Melbourne) (No. 4)**; or
Note: the Stay Safe Directions (Non-Melbourne) (No. 4) limit the number of people who may attend a wedding at non-residential premises located in the Relevant Area to 10 people (inclusive of the marrying couple and 2 witnesses, but excluding the celebrant) and a funeral at non-residential premises located in the Relevant Area to 20 people plus those required to conduct the funeral.
 - (b) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or
Examples: a food bank or service for homeless persons.
 - (c) hosting an essential support group; or
Examples: for alcohol and drugs, family violence, and parenting.
 - (d) conducting a ceremony at the place of worship, if that ceremony is to be broadcast (live or otherwise) via electronic means; or
 - (e) conducting outdoor religious gatherings or ceremonies; or
Examples: mass, Eucharist, blessings.
 - (f) permitting private worship.
- (3) A person who operates a place of worship under subclause (2)(c) must limit the number of members of the public in each indoor space to the lesser of:
- (a) the number permitted by the density quotient; and
 - (b) 20.
- (4) If a ceremony is held at a place of worship for the purposes of subclause (2)(d), the only persons permitted to attend the place of worship are those necessary for the ceremony and the broadcasting of that ceremony, up to a maximum of 5 people.
- (5) If a religious gathering or ceremony is to be held outdoors under subclause (2)(e) then:
- (a) up to a maximum of 10 members of the public are permitted to attend each religious gathering or ceremony; and
 - (b) in addition to the maximum of 10 members of the public, 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 gathering or ceremony must be held in an open space proximate to the place of worship.
- (6) If private worship is permitted at a place of worship for the purposes of subclause (2)(f), the only persons permitted to attend the place of worship at a time are:
- (a) a religious practitioner employed or otherwise engaged by a religious institution; and
 - (b) a group consisting of:
 - (i) persons who have the same ordinary place of residence; and
 - (ii) if the persons in subclause (6)(b)(i) are part of a **household bubble**, no more than 5 other persons who have the same ordinary place of residence at the other premises forming part of that household bubble, provided it complies with the household bubble requirements in the **Stay Safe Directions (Non-Melbourne) (No. 4)**.
- (7) A person who owns, operates or controls a place of worship under subclause (2) must comply with:
- (a) the signage requirement for each:
 - (i) indoor space; and
 - (ii) outdoor space; and
 - (b) the cleaning requirement; and
 - (c) the records requirement, except in relation to private worship and essential support groups, if confidentiality is typically required.

9 Restricted retail facilities

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

Permitted operations – beauty and personal care facilities and hairdressers

- (3) A person who owns, controls or operates a beauty and personal care facility or a hairdressing facility in the Relevant Area may operate that facility, provided that the person:
- (a) only provides services where the client can wear a face covering for the duration of the service or procedure; and
 - Note: services such as facials, face waxing and beard trimming around the mouth, nose or cheeks are not permitted as the client would be unable to wear a face covering for the duration of the service or procedure.*
 - (b) complies with:
 - (i) the density quotient for each indoor space; and
 - (ii) the signage requirement for each indoor space; and
 - (iii) the cleaning requirement; and
 - (iv) the records requirement; and
 - (v) the **restricted area requirement**.

Permitted operations – open retail facilities

- (4) A person who owns, operates or controls an open retail facility, except in accordance with subclause (3), **market**, market stall or **retail shopping centre** in the Relevant Area during the restricted activity period must comply with:
- (a) the density quotient for each indoor space; and
 - (b) the signage requirement for each indoor space; and
 - (c) the records requirement, except where not practicable to do so; and
 - (d) the cleaning requirement.

10 Food and drink facilities

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

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

Permitted operations – seated service

- (3) For the purposes of this clause:
- (a) **outdoor** means:
 - (i) a space with no **roof**; or
 - (ii) an open-air space designated for the consumption of food and/or beverage, which may have a roof so long as at least 2 sides of the space do not have **walls**;

Examples: outdoor spaces may include a balcony, a veranda, a courtyard, a rooftop, a marquee, a street or footpath, or any similar outdoor space.
 - (b) **roof** means any structure or device (whether temporary, fixed or movable) that prevents or significantly impedes upward airflow, including a ceiling or awning;
 - (c) **wall** means any structure (whether fixed or movable) that prevents or significantly impedes lateral airflow, notwithstanding if it has a window or door.
- (4) A person who owns, operates or controls a food and drink facility that is not located inside a **food court** may operate that facility for seated service if that person:
- (a) permits service of food or drinks only to members of the public who are seated; and
 - (b) ensures not more than 10 members of the public are permitted in the facility per group booking (with any infant under one year of age not counting in this limit); and
 - (c) for indoor spaces at the facility, limits (with any infant under one year of age not counting in this limit) the number of members of the public permitted in each indoor space at the facility to the lesser of:

- (i) the number permitted by the density quotient; and
 - (ii) 10,
- provided that the total number of members of the public in all indoor spaces at the facility does not exceed 20 persons (with any infant under one year of age not counting in this limit); and
- Note: the person must also comply with the conditions of any liquor licence or planning permit.*
- (d) for outdoor spaces at the facility, limits (with any infant under one year of age not counting in this limit) the number of members of the public permitted in all outdoor spaces at the facility to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 50; and

Note 1: the person must also comply with the conditions of any liquor licence or planning permit.

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

Note 3: the density quotient in the Workplace Directions (No. 7) provides for restrictions on an outdoor space in a food and drink facility by requiring the use of half the accessible space when calculating the density quotient. This permits more members of the public at any one time when compared to the density quotient for other shared spaces or publicly accessible areas, where a quarter of the accessible space is to be used when calculating the density quotient.
 - (e) maintains a distance between tables at all times so that members of the public are at least 1.5 metres from other groups and members of the public when seated (including groups at other facilities); and
 - (f) complies with:
 - (i) the signage requirement for each indoor space and outdoor space accessible to members of the public; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
 - (iv) the restricted area requirement.

Permitted operations of food and drink facilities – other

- (5) A person who owns, controls or operates a food and drink facility in the Relevant Area may operate that facility:
 - (a) for the purposes of providing food or drink to be consumed off the premises; or

Note: this subclause permits both delivery and collection of takeaway food and drink.
 - (b) if the food and drink facility is located inside a food court, for the purpose of providing food or drink to be consumed outside a food court; or
 - (c) if the facility is located:
 - (i) on the premises of a **hospital**, if the facility is located within an area of the hospital that has been exempted from the operation of the **Hospital Visitor Directions (No. 13)** in accordance with those directions; or
 - (ii) on the premises of a **residential aged care facility**; or
 - (iii) on the premises of a **childcare facility** or school; or
 - (iv) on the premises of a prison, correctional facility, youth justice centre or other place of custody; or
 - (v) on land that is owned or held under lease by the Commonwealth and used, or intended for use, for the purposes of defence; or
 - (vi) on premises that have a dedicated area for the purposes of providing food and drink to drivers of **fatigue-regulated heavy vehicles**; or
 - (vii) on a **Work Premises**, if the facility provides food or drink only to persons who work on the Work Premises; or
 - (d) for the purposes of providing food or drink to homeless persons.

- (6) A person who owns, operates or controls a food or drink facility that is permitted to operate under subclause (5)(c)(vi) must use all reasonable endeavours to ensure that a person does not remain in the dedicated area that is provided for the purposes of food and drink for longer than one hour at a time.

11 Accommodation facilities

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

Permitted operations – tourism

- (3) A person who owns, controls or operates an accommodation facility may operate that facility for the purposes of tourism if the person:
- (a) ensures that each group booking is limited to:
 - (i) only persons who ordinarily reside together; or
 - (ii) only persons who are in an intimate personal relationship; or
 - (iii) a group consisting of:
 - (A) persons who ordinarily reside together, or are in an intimate personal relationship; and
 - (B) if the persons in subclause (3)(a)(iii)(A) are part of a household bubble, no more than 5 other persons who have the same ordinary place of residence at the other premises forming part of that household bubble, provided it complies with the household bubble requirements in the **Stay Safe Directions (Non-Melbourne) (No. 4)**; and
 - (b) ensures that persons from separate bookings do not share bedrooms at the facility; and
 - (c) ensures surfaces accessible in the accommodation facility exclusively to a particular group, including a hotel room or cabin, are cleaned between groups; and
 - (d) complies with:
 - (i) the cleaning requirement for areas of the accommodation facility that are not for the exclusive use of a particular group, including reception areas; and
 - (ii) the records requirement; and
 - (iii) the restricted area requirement.

Note: if the booking is made through a third party company, the restricted area requirement continues to apply to the person who owns, controls or operates the facility.

Permitted operations – alpine resort tourism

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

Permitted operations – alpine resort employees

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

Permitted operations – other purposes

- (6) A person who owns, controls or operates an accommodation facility in the Relevant Area may operate that facility for the purposes of providing accommodation:
- (a) to a person whose place of residence is the accommodation facility; or
 - (b) to a person who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria; or
 - (c) to a person who has a permanent place of residence in Victoria, but that place is temporarily unavailable; or
 - (d) to a person, on a temporary basis, for work purposes; or

- (e) to a person who was a temporary guest of the accommodation facility on the date that these directions were given; or
- (f) to a person who requires emergency accommodation, including in relation to family violence and other vulnerable groups; or
- (g) to a person who requires accommodation for work purposes, where their work is for the purposes of responding to the state of emergency in existence under the PHW Act; or
- (h) to a person who is subject to a **Direction and Detention Notice** or the **Diagnosed Persons and Close Contacts Directions (No. 12)**; or
- (i) as an exclusive facility for a single school at any one time for educational purposes.

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

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

12 Swimming pools

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

Permitted operations – private swimming pools and chlorinated spas

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

Note: 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.

Permitted operations – professional sport

- (3) A person who owns, controls or operates a swimming pool or chlorinated spa at a non-residential premises in the Relevant Area may permit a person to use a swimming pool and facilities if the pool or spa is only available for the exclusive use for training for professional and high-performance sports persons.
- (4) A person who operates a facility under subclause (3) must 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 swimming pools

- (5) A person who owns, controls or operates an outdoor swimming pool (which may include a chlorinated spa) at a non-residential premises in the Relevant Area may permit members of the public to use the swimming pool or chlorinated spa if that person ensures that:
 - (a) no access is permitted to indoor facilities, except for change rooms and toilet facilities; and
 - (b) no access is permitted to saunas within the facility; and
 - (c) except where the pool is operated in accordance with subclause (6), the number of members of the public that is permitted at any one time in any water or non-water part of the pool facility are the lesser of:
 - (i) 50 in any swimming pool or chlorinated spa; and
 - (ii) in respect of the water and non-water parts of the pool facility, the number permitted by the density quotient.

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

Note 2: outdoor hot springs cannot be used.

Permitted operations – community sport and educational purposes

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

Records, signage and cleaning requirements

- (8) A person who operates a facility under subclause (5) must comply with:
- (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

- (9) A person who owns, controls or operates a swimming pool at a non-residential premises in the Relevant Area may operate that facility if it is:
- (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.

13 Animal facilities

- (1) A person who owns, controls or operates an **animal facility** in the Relevant Area must not operate that facility for the purposes of allowing members of the public to visit that facility during the restricted activity period.
- (2) An **animal facility** means the following:
- (a) a **zoological park**;
 - (b) a wildlife centre;
 - (c) a petting zoo;
 - (d) an aquarium;
 - (e) an animal farm that is not being operated for the purpose of producing food.
- (3) Despite subclause (1), a person who owns, controls or operates an animal facility in the Relevant Area may continue to operate the facility for the purposes of:
- (a) treating or caring for animals; or
 - (b) performing an animal rescue function; or
 - (c) maintaining the facility.

Permitted operations – non-seated outdoor space

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

Permitted operations – seated outdoor space

- (5) Despite subclause (1), a person who owns, controls or operates an animal facility may operate a seated outdoor space in the facility, except for entertainment or sporting events, if:
- (a) the number of members of the public permitted in the facility at any time is the lesser of:
 - (i) 50; or
 - (ii) 25% of the maximum fixed seating capacity; and
 - (b) no access is permitted to any indoor space in the facility, except for toilet facilities, or to permit access to an outdoor space, or for the purposes of operating under subclauses (7) and (9); and
 - (c) a member of the public is required to be seated:
 - (i) for the majority of time at the facility; and
 - (ii) at least 1.5 metres away from all members of the public who are not from the same group; and
 - (iii) so that the maximum number of members of the public in a group is compliant with the restrictions on public gatherings in the **Stay Safe Directions (Non-Melbourne) (No. 4)**; and
 - (d) a COVIDSafe Plan is in place for the facility; and
 - (e) any food and drink facility operates in accordance with clause 10; and
 - (f) the person complies with the cleaning requirement; and
 - (g) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – indoor space

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

- (c) comply with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement.

Permitted operations – broadcast

- (7) Despite subclause (1), a person who owns, controls or operates an animal facility in the Relevant Area may operate that facility for the purpose of allowing a performance to occur at the premises, if that performance is to be broadcast (live or otherwise) via electronic means.
- (8) If a performance is held at an animal facility for the purposes of subclause (7), the only persons permitted to attend the facility are those necessary for the performance and the broadcasting of that performance to occur.
- (9) If a performance is held at an animal facility for the purposes of subclause (7), a person who owns, controls or operates that facility must comply with:
 - (a) the signage requirement for each indoor space; and
 - (b) the cleaning requirement; and
 - (c) the records requirement.

14 Real estate auctions and inspections

- (1) During the restricted activity period, in the Relevant Area, an **estate agent** may organise:
 - (a) an auction to take place for the sale of **real estate**, only if that auction is to be conducted in an outdoor space and attended in person by no more than 10 members of the public (excluding the owners or residents of the property), whether or not other members of the public also attend remotely; or
 - (b) an inspection by members of the public of real estate for the purposes of a prospective sale or rental of the property, if arranged by private appointment and such private appointment complies with the restrictions on public gatherings in the **Stay Safe Directions (Non-Melbourne) (No. 4)**.
- (2) An estate agent that arranges an auction or inspection in accordance with subclause (1) during the restricted activity period must:
 - (a) comply with the records requirement; and
 - (b) not permit the number of members of the public in an indoor space to exceed the number permitted by the density quotient.

15 Education and childcare facilities

Educational facilities

- (1) A person who owns, controls or operates a school or educational facility in the Relevant Area may only operate that school or facility during the restricted activity period in accordance with these directions.
- (2) A person who owns, controls or operates a school or educational facility in the Relevant Area may operate that school or 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 enrolled in a special school; or
 - (ii) to a person who ordinarily resides in the Restricted Area who is enrolled at a **boarding school** located in the Relevant Area, if:
 - (A) the person is in a year level that is permitted to return to a school located in the Relevant Area; and

- (B) the school requires the person or a parent or guardian of the person to provide a statement before the person returns to school attesting that:
1. in the period of 14 days prior to departure from the Restricted Area to return to the school, the person has not displayed one or more **2019-nCoV Symptoms** or been a close contact as defined in the **Diagnosed Persons and Close Contacts Directions (No. 12)**; and
 2. within 3 days before departure from the Restricted Area to return to the school, the person has received a test result stating that they have not been diagnosed with 2019-nCoV; and
 3. for the period of time from when the person took the test referred to in subclause (2)(a)(v)(B)(2) until the person returned to the school, the person has self-quarantined as if the requirements of self-isolation and self-quarantine under the **Diagnosed Persons and Close Contacts Directions (No. 12)** applied to the person; and
- Example: once year 12 students in the Relevant Area are permitted to return to school, a year 12 student who ordinarily lives in the Restricted Area who is enrolled to attend school at a boarding school based in the Relevant Area is permitted to attend that school, subject to the student or the parent or guardian of the student attesting to certain matters.*
- (C) the school maintains daily observation of the person for a period of 14 days after the person returns to school and maintains written records recording daily whether the person displays one or more 2019-nCoV Symptoms; and
- (iii) to a person who is enrolled to attend any primary or secondary school in the Relevant Area (excluding a person who ordinarily resides in the Restricted Area who is enrolled at a boarding school located in the Relevant Area); and
- (b) **higher education services** onsite if they are provided:
- (i) to a person who ordinarily resides in the Relevant Area where it is not reasonably practicable for the person to obtain the higher education services from the premises where the person ordinarily resides; or
 - (ii) to a person who ordinarily resides in the Restricted Area and is a permitted higher education student, and it is not reasonably practicable for the person to obtain higher education services from the premises where the person ordinarily resides.

Childcare facilities

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

16 **Tours and transport**

Licensed tourism operator

- (1) During the restricted activity period in the Relevant Area, a **licensed tourism operator** may organise and operate **licensed tourism services** within the Relevant Area for members of the public residing in the Relevant Area, if:
- (a) the licensed tourism services are provided wholly in an outdoor space; and

Examples: outdoor tours include hiking and walking tours, horseback riding tours and bicycle tours.

*Note: licensed tourism services that require the use of enclosed vehicles (such as a **motor vehicle, bus/coach, horse-drawn wagon, boat, plane or helicopter**) are not permitted to operate during the restricted activity period, unless the enclosed vehicle is operated by a member of the public and is only shared by people who have the same ordinary place of residence, are in an intimate personal relationship or are part of a household bubble.*

- (b) the number of members of the public attending a tour does not exceed 10 in any group (with any infant under one year of age not counting in this limit), unless all members of the group reside at the same premises; and
 - (c) licensed tourism services are not operated by more than the minimum number of persons required; and
- Note: the minimum number of persons required to operate a tour is in addition to the limit of 10 members of the public.*
- (d) not more than one tour group attend the same outdoor space at any one time, except where a distance of at least 100 metres between groups can be maintained at all times; and
 - (e) the outdoor space available is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
 - (f) the licensed tourism services only originate, occur and conclude within the Relevant Area and do not enter the Restricted Area; and
 - (g) the licensed tourism operator complies with the records requirement and the restricted area requirement; and
 - (h) if any communal equipment is to be used, it must be cleaned between tours and not shared between members of the public in a tour group.
- (2) Members of the public attending a tour must comply with the face covering requirement in the **Stay Safe Directions (Non-Melbourne) (No. 4)**.
 - (3) Despite subclause (1), a licensed tourism operator must not permit use of any indoor space, except toilet facilities or to permit access to an outdoor space.

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

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

16A Relationship with other directions

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

16B Restricted area requirement

- (1) A person who is required to comply with the restricted area requirement must use all reasonable endeavours to:
 - (a) determine, prior to each member of the public making a booking (where bookings are taken) for, or accessing, entering or using, their services or facility, whether that member of the public's ordinary place of residence is in the Restricted Area; and
 - (b) not permit a member of the public to make a booking (where bookings are taken) for, or access, enter or use, their services or facility, if the member of the public's ordinary place of residence is in the Restricted Area, except:
 - (i) for emergency purposes; or
 - (ii) as required or authorised by law.

Note: a person who owns, operates or controls:

- (a) a food and drink facility is not required to comply with the restricted area requirement when (and only to the extent) they operate that facility under clause 10(5); and
- (b) an accommodation facility is not required to comply with the restricted area requirement when (and only to the extent) they operate that facility under clause 11(6).

(2) A person will be taken to have satisfied the requirement under subclause (1)(a) where they have:

- (a) asked the given member of the public for the address of their ordinary place of residence; and

*Note 1: under the **Stay Safe Directions (Non-Melbourne) (No. 4)**, if a person has an ordinary place of residence in each of the Relevant Area and the Restricted Area, they must choose one of these residences to be their principal place of residence for the duration of the stay safe period under those direction.*

*Note 2: under the **Stay at Home Directions (Restricted Areas) (No. 18)**, a person who ordinarily resides in the Restricted Area may only leave the Restricted Area for limited reasons. In addition, 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 under those direction.*

- (b) required the given member of the public to either:

- (i) produce photo identification that evidences that their ordinary place of residence is not in the Restricted Area; or

Note: a booking for an accommodation facility is permitted for a person whose ordinary place of residence is outside the Restricted Area, whether the person ordinarily resides in the Relevant Area or in another State or a Territory.

- (ii) make a declaration that their ordinary place of residence is not in the Restricted Area, unless it is not reasonably practicable in all the circumstances for the member of the public to make such a declaration.

Note: it may not be reasonably practicable for a member of the public to make a declaration due to a physical or mental health condition or disability.

Note 2: a template declaration as to a person's ordinary place of residence is available at <https://www.dhhs.vic.gov.au/restricted-area-requirement-declaration-covid-19>.

(3) The restricted area requirement must be satisfied for each member of the public:

- (a) aged 18 years or older, by that person or someone responsible for their care and support; or
- (b) who is an unaccompanied person aged 15 years or older but under 18 years, by that person or someone responsible for their care and support; or
- (c) who is an accompanied person aged under 18 years by their parent or guardian.

(4) If a member of the public produces photo identification in accordance with subclause (2)(b)(i) which appears to be valid, a person required to comply with the restricted area requirement is entitled to rely on such photo identification as proof of that member of the public's ordinary place of residence.

(5) In collecting the information required under subclause (2), a person required to comply with the restricted area requirement must:

- (a) use reasonable endeavours to protect the personal information from use or disclosure; and
- (b) destroy the information as soon as reasonably practicable, unless another statutory requirement permits or requires the personal information to be retained.

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

Example: for online bookings and unstaffed facilities (or times when facilities are unstaffed), reasonable endeavours does not require extra staff to be employed for these purposes; instead the restricted area requirement might be met by other means such as enquiries at the time of booking, online or email provision of the required information and signs at the unstaffed facilities.

*Note 2: members of the public whose ordinary place of residence is in a Restricted Area are still permitted to travel outside of the Restricted Area for reasons set out in the **Stay at Home Directions (Restricted Areas) (No. 18)**.*

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

17 Other definitions

For the purposes of these directions:

- (1) **2019-nCoV Symptoms** has the same meaning as in the **Workplace Directions (No. 7)**;
- (2) **accommodation facility** has the meaning in clause 11(2);
- (3) **alpine resort** means any of the following as defined in the **Alpine Resorts (Management) Act 1997**:
 - (a) Falls Creek Alpine Resort;
 - (b) Lake Mountain Alpine Resort;
 - (c) Mount Baw Baw Alpine Resort;
 - (d) Mount Buller Alpine Resort;
 - (e) Mount Hotham Alpine Resort;
 - (f) Mount Stirling Alpine Resort;
- (4) **animal facility** has the meaning in clause 13(2);
- (5) **Area Directions (No. 9)** means the directions issued by the Deputy Public Health Commander, setting out Restricted Areas;
- (6) **beauty and personal care facility** means the following:
 - (a) a beauty therapy salon, waxing salon or nail salon;
 - (b) a wellness spa;
 - (c) a massage parlour;
 - (d) a tattoo, body art or piercing studio;
- (7) **bingo centre** means a facility that:
 - (a) is operated by a bingo centre operator or community or charitable organisation under Chapter 8 of the **Gambling Regulation Act 2003**, that offers bingo or any similar game; or
 - (b) conducts bingo which is open to **members of the public**;
- (8) **boarding school** means a **school** which accepts enrolments of students who board at premises of the school and does not include a premises at which accommodation services are provided to students on a short-term basis for a period of less than 12 consecutive weeks;
- (9) **bottleshop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the premises;
- (10) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (11) **bus** has the same meaning as in the **Bus Safety Act 2009**;
- (12) **bus service** has the same meaning as in the **Bus Safety Act 2009**;
- (13) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (14) **childcare facility** means a facility providing a **childcare or early childhood service**;
- (15) **childcare or early childhood service** means an onsite early childhood education and care service 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 or 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;
- (16) **cleaned** has the same meaning as in the **Workplace Directions (No. 7)**;
- (17) **cleaning requirement** has the same meaning as in the **Workplace Directions (No. 7)**;
- (18) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (19) **community facility** has the meaning in clause 6A(2);
- (20) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions (No. 7)**;
- (21) **density quotient** has the same meaning as in the **Workplace Directions (No. 7)**;
- (22) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (23) **Directions currently in force** has the same meaning as in the **Area Directions (No. 9)**;
- (24) **entertainment facility** has the meaning in clause 7(2);
- (25) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (26) **face covering** has the same meaning as in the **Workplace Directions (No. 7)**;
- (27) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (28) **food and drink facility** has the meaning in clause 10(2);
- (29) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (30) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (31) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (32) **hairdressing** has the same meaning as in the PHW Act;
- (33) **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;
- (34) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 13)**;
- (35) **household bubble** has the same meaning as in the **Stay Safe Directions (Non-Melbourne) (No. 4)**;
- (36) **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;
- (37) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (38) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (39) **licensed premises** has the meaning in clause 5(2);
- (40) **licensed tourism operator** means a person granted a tour operator licence under:
 - (a) section 21B of the **Crown Land (Reserves) Act 1978**; or
 - (b) section 57F of the **Forests Act 1958**; or
 - (c) section 140I of the **Land Act 1958**; or

- (d) section 27D of the **National Parks Act 1975**; or
- (e) section 21B of the **Wildlife Act 1975**;
- (41) **licensed tourism services** means an activity, guided tour or recreation programme conducted or coordinated by an employee or officer of a **licensed tourism operator** that is undertaken for profit for tourism purposes including, but not limited to, ballooning, a walking or bushwalking tour, a bicycle tour, abseiling, rock climbing, canoeing, kayaking, white water rafting, diving, snorkelling, horse trail riding, marine based tours and surfing;
- (42) **market** means a public market, whether indoor or outdoor, including a food market;
- (43) **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;
- (44) **motor vehicle** means a motor vehicle within the meaning of the **Road Safety Act 1986** and includes a trailer attached to the vehicle but does not include a **bus** used to provide a **bus service**;
- (45) **non-contact**, in relation to an activity, a community sport or a physical recreation activity, means an activity, a community sport or a physical recreation activity that is reasonably capable of being undertaken with participants maintaining a distance of 1.5 metres from each other;
- (46) **non-seated outdoor space** means an **outdoor space**, where a **member of the public** moves through the facility and is not expected to remain seated and is unlikely to congregate;

Note: this can include settings such as outdoor animal facilities, but does not include events, including entertainment or sporting events.
- (47) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (48) **open retail facility** means a **retail facility** that is permitted to operate under these directions, and includes a **restricted retail facility** to the extent that it is permitted to operate;
- (49) **outdoor space** means a space that is not an **indoor space**;
- (50) **permitted higher education student** means a student accessing **higher education services**:
 - (a) which are permitted to be delivered onsite as set out in the ‘Permitted Work Premises’ for the purposes of the **Restricted Activity Directions (Restricted Areas) (No. 12)** available at: 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;
- (51) **permitted worker** means someone who received a **Permitted Worker Permit**, or is permitted to work without a Permitted Worker Permit, under the **Permitted Worker Permit Scheme Directions (No. 7)**;

- (52) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 7)**;
- (53) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (54) **physical recreational facility** has the meaning in clause 6(2);
- (55) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (56) **play centre** means a **premises**, whether indoor or outdoor, that has play equipment to be used predominantly by children under the age of 12 years, but does not mean a playground;
- (57) **playground** means publicly accessible outdoor play equipment in a public park;
- (58) **premises** has the same meaning as in the PHW Act;
- (59) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (60) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (61) **records requirement** has the same meaning as in the **Workplace Directions (No. 7)**;
- (62) **Relevant Area** has the meaning in clause 1(2);
- (63) **religious institution** means an entity registered with the Australian Charities and Not-for-Profits Commission, as a charity subtype 'advancing religion' under the **Charities Act 2013** of the Commonwealth;
- (64) **religious practitioner** has the same meaning as subsection 995-1(1) of the **Income Tax Assessment Act 1997** of the Commonwealth;
- (65) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No. 13)**;
- (66) **restricted activity period** has the meaning in clause 4;
- (67) **Restricted Area** has the same meaning as in the **Area Directions (No. 9)**;
- (68) **restricted area requirement** has the meaning in clause 16B;
- (69) **restricted retail facility** has the meaning in clause 9(2);
- (70) **retail betting venue** means a **premises**, or part of a premises, operated by the **wagering and betting licensee**, the **keno licensee** or an agent of the wagering and betting licensee or keno licensee;
- (71) **retail facility** includes any facility that is used wholly or predominantly for:
- (a) the sale or hire of goods by retail; or
 - (b) the retail provision of services;
- (72) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (73) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (74) **seated outdoor space** means an **outdoor space** with fixed seating;
- (75) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (76) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (77) **sexually explicit entertainment venue** means a venue at which **sexually explicit entertainment** is provided;
- (78) **signage requirement** has the same meaning as in the **Workplace Directions (No. 7)**;
- (79) **vehicle** has the same meaning as in the PHW Act;
- (80) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;

- (81) **Work Premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (82) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

18 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Dated 11 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 at Home Directions (Restricted Areas) (No. 18)

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. 17)** to update the details of the return of students to onsite schooling and clarify the application of the face covering requirements, the ordinary residence of seasonal workers and when a person can enter a home to attend a wedding in certain circumstances.

2 Citation

These directions may be referred to as the **Stay at Home Directions (Restricted Areas) (No. 18)**.

3 Revocation

The **Stay at Home Directions (Restricted Areas) (No. 17)** are revoked at 11:59:00 pm on 11 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 11 October 2020 and ending at 11:59:00 pm on 8 November 2020.

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

- (1) A person who ordinarily resides in the **Restricted Area** during the stay at home period must not leave the premises where the person ordinarily resides, other than for one or more of the reasons specified in:
 - (a) clause 6 (**necessary goods or services**);
 - (b) clause 7 (**care or other compassionate reasons**);
 - (c) clause 8 (**work or education**);
 - (d) clause 9 (**exercise 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 3: 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 5 km 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. 12)** 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).

*Note: where a **seasonal worker** moves from the premises at which they ordinarily reside in the Restricted Area to **seasonal worker accommodation** in the **Relevant Area** for a period of more than 14 days, then that seasonal worker accommodation is taken to be the premises at which that seasonal worker ordinarily resides from midnight on the 14th day after they moved there, but only for the period that they reside at that seasonal worker accommodation.*

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 receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Restricted Areas) (No. 12)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
- (t) 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.
- (u) for emergency purposes; or
- (v) required or authorised by law; or
- (w) 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. 12)**, 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. 12)**, 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. 13)**; or
 - (f) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No. 13)**; 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. 7)**.*

- (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 at a school in the Restricted Area in:

- (A) Prep to Grade 6 and Years 7, 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, but only on and from 12 October 2020; or
- (B) Years 8 to 10, but only on and from 26 October 2020; or
- (v) is enrolled in a special school in the:
 - (A) Restricted Area, but only on and from 12 October 2020; or
 - (B) Relevant Area; or
- (vi) 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. 4)**; or

*Note: relevant restrictions are also imposed on schools and educational facilities in the Relevant Area under the **Restricted Activity Directions (Non-Melbourne) (No. 7)**.*

- (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. 12)**.

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 5 km 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. 4)** 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. 12)**; or
- (e) to attend a **community facility**, if that facility is operating in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 12)**; 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 5 km 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. 12)**, 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. 12)**; 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. 12)**, 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 are at the end of life, 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, the celebrant who can enter the premises under subclause (2)(c)(ii) (work) and, to the extent that this does not include either person being married and up to three guests, these people may enter the premises for this purpose only. 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. 12)**.*

*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. 4)**.*

- (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)(ii) (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. 12)**.

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. 4)**.

- (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. 12)**, 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. 13)**, these directions are inoperative to the extent of the inconsistency.

13 Definitions

For the purposes of these directions:

- (1) **Area Directions (No. 9)** 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. 13)**;
- (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. 12)**;
- (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. 7)**;
- (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. 9)**;
- (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. 13)**;
- (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. 12)** available at: 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. 12)** available at: 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. 7)**;
- (24) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 7)**;
- (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. 9)**;
- (34) **retail facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 12)**;
- (35) **seasonal worker** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions (No. 8)**;

- (36) **seasonal worker accommodation** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions (No. 8)**;
- (37) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (38) **stay at home period** has the meaning in clause 4;
- (39) **vehicle** has the same meaning as in the PHW Act;
- (40) **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;
- (41) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (42) **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 11 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. 4)

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. 3)** to update the details of the return of students to onsite schooling and clarify the application of the face covering requirements.

2 Citation

These directions may be referred to as the **Stay Safe Directions (Non-Melbourne) (No. 4)**.

3 Revocation

The **Stay Safe Directions (Non-Melbourne) (No. 3)** are revoked at 11:59:00 pm on 11 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 11 October 2020 and ending at 11:59:00 pm on 8 November 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. 7)**; and
 - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Non-Melbourne) (No. 7)** 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. 12)**.*

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. 18)**.

- (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. 18)** and the **Restricted Activity Directions (Restricted Areas) (No. 12)** 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. 18)** 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 receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Non-Melbourne) (No. 7)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
Example: when having your photo taken by a professional photographer.
- (t) 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.
- (u) for emergency purposes; or
- (v) required or authorised by law; or
- (w) 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. 7)**.*
 - (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 enrolled at a school in the Relevant Area; or
 - (ii) is enrolled in a special school in the:
 - (A) Relevant Area; or
 - (B) Restricted Area, but only on and from 12 October; or
 - (iii) 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. 18)**; or
 - (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. 18)**,

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. 18)** 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. 7)**; 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. 13)**. 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. 18)**.

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. 7)**; 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. 7)**; 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. 7).*

*Note 2: the requirements for a wedding held in the Restricted Area are set out in the **Stay at Home Directions (Restricted Areas)** (No. 18).*

- (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. 7).*

*Note 2: the requirements for a funeral held in the Restricted Area are set out in the **Stay at Home Directions (Restricted Areas)** (No. 18).*

- (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. 12)**, 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. 13)**, these directions are inoperative to the extent of the inconsistency.

9 Definitions

For the purposes of these directions:

- (1) **Area Directions (No. 9)** 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. 13)**;
- (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. 7)**;
- (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. 9)**;
- (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. 7)**;
- (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. 9)**;
- (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) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (27) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

10 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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

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

Dated 11 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

Workplace 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 Work Premises to assist in reducing the frequency and scale of **outbreaks** of 2019-nCoV in Victorian workplaces and to establish more specific obligations on **employers** and **workers** in relation to managing the risk associated with 2019-nCoV.
- (2A) These directions must be read together with the **Directions currently in force**.
- (3) These directions are intended to supplement any obligation an employer may have under the **OHS Act** and are not intended to derogate from any such obligations.
- (4) These directions replace the **Workplace Directions (No. 6)** and clarify the application of the density quotient to **childcare or early childhood services**.

2 Citation

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

3 Deleted clause**4 Revocation**

The **Workplace Directions (No. 6)** are revoked at 11:59:00 pm on 11 October 2020.

5 Commencement

These directions commence at 11:59:00 pm on 11 October 2020 and end at 11:59:00 pm on 8 November 2020.

6 Operation of a Work Premises

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

*Note: the **Stay at Home Directions (Restricted Areas) (No. 18)** and the **Stay Safe Directions (Non-Melbourne) (No. 4)** permit a person to leave the premises where they ordinarily reside to attend work only if it is not reasonably practicable to work from their premises.*

- (2) An employer must comply with the **Permitted Worker Permit Scheme Directions (No. 7)** and the **Workplace (Additional Industry Obligations) Directions (No. 8)** where it applies to that employer.
- (3) Where an employer permits or requires work to be performed at a Work Premises, the employer must comply with clauses 7 to 9.

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

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

Note 1: 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.

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

COVIDSafe Plan

- (3) Subject to subclause (5), an employer must, for each Work Premises:
- (a) have in place a COVIDSafe Plan, which addresses the health and safety issues arising from 2019-nCoV, including but not limited to:
Note 1: employers can use the template plan accessible from the following website for guidance: www.business.vic.gov.au/disputes-disasters-and-succession-planning/covid-safe-business/creating-a-covid-safe-workplace#yourcovidsafeplan.
*Note 2: some employers, regardless of whether their Work Premises is located in or outside the Restricted Area, will be required to have a High Risk COVIDSafe plan as set out in the **Workplace (Additional Industry Obligations) Directions (No. 8)**.*
 - (i) the employer's process for implementing the record-keeping obligation under subclause (7);
 - (ii) the appropriate level of **PPE** to be worn at the Work Premises;
 - (iii) actions taken by the employer to mitigate the introduction of 2019-nCoV at the Work Premises;

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

- (iv) the processes which the employer has put in place to respond to any **suspected case** or any **confirmed case** of 2019-nCoV at the Work Premises, taking into account the employer's obligations under these directions;
- (v) an acknowledgement that the employer understands its responsibilities and obligations under these directions; and
- (b) document and evidence, and require its managers to document and evidence, implementation of the COVIDSafe Plan.
- (4) The employer and the employer's workers must comply with the COVIDSafe Plan.
- (5) An employer is not required to comply with subclause (3):
 - (a) for any Work Premises that have no workers working at that Work Premises;
 - (b) in relation to:
 - (i) each individual vehicle that makes up a fleet of two or more vehicles providing **commercial passenger vehicle services** or **passenger services** as the case may be;
Note 1: despite subclause (5)(b), an employer must have a COVIDSafe Plan in relation to a fleet of two or more vehicles that provides commercial passenger vehicle services or passenger services.
Note 2: where an employer owns, operates or controls only one commercial passenger vehicle or a vehicle used to provide passengers services, then it must have a COVIDSafe Plan for that vehicle.
 - (ii) vehicles used predominantly by an employee to travel between the Work Premises and the employee's ordinary place of residence.
Note: vehicles used predominantly as a Work Premises (e.g. food trucks, dental vans) require a COVIDSafe Plan.
- (6) An employer must:
 - (a) comply with any direction given by an **Authorised Officer** or **WorkSafe inspector** to modify a COVIDSafe Plan, including:
 - (i) following an outbreak of confirmed cases of 2019-nCoV at a Work Premises; or
 - (ii) if the Authorised Officer considers that the COVIDSafe Plan is not fit for purpose; and
 - (b) implement any modifications required in accordance with subclause (6)(a).

Record-keeping obligations (records requirement)

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

Note: the records requirement applies in respect of all persons that attend the facility or venue for longer than 15 minutes, which may include staff, customers, and maintenance and delivery workers.
- (8) An employer is not required to comply with the record keeping requirement in subclause (7):

- (a) where they are operating a Work Premises which is a **market**, market stall, a **retail facility** or **retail shopping centre** with respect to customers who attend that Work Premises, where it is not practicable to do so; or
 - (b) in relation to essential support groups and health services if confidentiality is typically required.
Example: support groups for alcohol and drugs or family violence typically require confidentiality.
- (9) In collecting the information outlined in subclause (7), an employer must:
- (a) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer; and
 - (b) destroy the information as soon as reasonably practicable following 28 days after the attendance at the Work Premises, unless another statutory requirement permits or requires the personal information to be retained.

Density quotient (Density quotient)

- (10) In any shared spaces (such as lunchrooms) and publicly accessible areas at the Work Premises (except in relation to any shared spaces in **school**, non-school senior secondary providers, or **childcare or early childhood service** used by students or children, including classrooms), an employer must comply with the **density quotient** for each shared space and each publicly accessible area.

Note 1: in relation to a school, non-school senior secondary providers, education and care service, or childcare or early childhood service, spaces for the purpose of student and children use (such as classrooms, hallways and gymnasiums) are not subject to the density quotient. The density quotient does, however, still apply to spaces used only by staff (such as staff lunchrooms, photocopier room, principal's office, back of reception and resource rooms). The density quotient also applies to any publicly accessible areas (including in relation to a school, non-school senior secondary providers, or childcare or early childhood service), and any such publicly accessible areas that are subject to the signage requirements under subclause (12).

*Note 2: in relation to a school, non-school senior secondary providers, or childcare or early childhood service using facilities other than the school or childcare premises, the density quotient of the relevant facility and the relevant requirements of the facilities' COVIDSafe Plan will apply to the school, non-school senior secondary providers, or childcare or early childhood service use of that facility. As an alternative to using the facility's COVIDSafe Plan, the school, non-school senior secondary providers, or childcare or early childhood service may apply their own COVIDSafe Plan to the use of the facility, so long as it has been adjusted so that it is fit for purpose taking into account the unique features of the relevant facility. If the facility is being used exclusively by a single school, non-school senior secondary providers, or childcare or early childhood service for educational purposes, the restrictions and guidance on teachers, staff, students and children under the **Restricted Activity Directions (Restricted Area) (No. 12)** or **Restricted Activity Directions (Non-Melbourne) (No. 7)** (as applicable) apply in relation to the school, non-school senior secondary providers, or childcare or early childhood service having exclusive use of that facility.*

- (11) The **density quotient** for the purposes of subclause (10) limits:
- (a) the number of people who are permitted in a shared space; and
 - (b) the number of **members of the public** who are permitted in a publicly accessible space,
- at any one time to the number calculated by dividing the total accessible space (measured in square metres):
- (c) by 2 in relation to an outdoor space of a **food and drink facility** in the Relevant Area; or
 - (d) by 4 in relation to any other shared space or publicly accessible area, except for those covered under clause 7(11)(c), and:
 - (i) for an indoor space, applies to each single undivided space permitted to operate under these directions; and
 - (ii) for an **indoor zone**, applies to each indoor zone within an indoor space permitted to operate under these directions; and

- (iii) in relation to a publicly accessible space, for an outdoor space (other than in relation to a food and drink facility in the Relevant Area), market or retail shopping centre, applies to the total space permitted to operate under these directions.

*Note: the number of people allowed in a shared space or publicly accessible area may be subject to any cap under the **Restricted Activity Directions (Restricted Area) (No. 12)** or the **Restricted Activity Directions (Non-Melbourne) (No. 7)** that is less than the number of people allowed under the density quotient.*

Example:

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

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

C: if an indoor space is 15 metres long and 10 metres wide, its total area is 150 square metres. Its density quotient is 37.5, so no more than 37 members of the public would be permitted to be in the indoor space at the same time.

Signage requirements (signage requirement)

- (12) Where a Work Premises has a publicly accessible space, an employer must display a sign at each public entry to each such space that includes a statement specifying the maximum number of members of the public that may be present in the space at a single time, being the number permitted by the density quotient, rounded down to the nearest whole number.

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

- (13) A person who owns, operates or controls a market stall, market or retail shopping centre must:
- limit the number of members of the public permitted by the density quotient as it applies respectively to the market stall, market or the retail shopping centre; and
 - use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Cleaning requirements (cleaning requirement)

- (14) An employer must take all reasonable steps to ensure that shared spaces at which work is performed and areas accessible to members of the public at any Work Premises are **cleaned** on a regular basis, including:
- frequently touched surfaces, including toilets and handrails, are cleaned at least twice on any given day; and
 - surfaces are cleaned when visibly soiled; and
 - if an event is to occur, a reasonable period of time has elapsed since the conclusion of any earlier event to allow for cleaning in between the events; and
 - surfaces accessible to a particular group are cleaned between groups; and
- Example: cleaning surfaces between shifts of workers.*
- surfaces are cleaned immediately after a spill on the surface.
- (15) To ensure a surface is cleaned for the purposes of these directions, a person must wipe the surface with a disinfectant:
- the label of which states a claim by the manufacturer that the disinfectant has anti-viral properties; or
 - made by a person according to instructions issued by the Department.

- (16) A person who owns, operates or controls a market stall, market or retail shopping centre must comply with the cleaning requirement respectively for the market stall, market or the **common areas** of the retail shopping centre.

Reducing work across multiple sites

- (17) Subject to subclause (18), an employer must not require or permit a worker to perform work at more than one Work Premises of the employer.

- (18) Subclause (17) does not apply where it is not practicable to limit a worker to only one Work Premises.

Examples: healthcare and social care workers, tradespeople performing essential repairs.

- (19) Where subclause (18) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of workers working across multiple Work Premises.

Example: rosters.

- (20) If a worker is working at more than one Work Premises for two or more different employers:

- (a) the worker must provide a written declaration to each employer to advise them that the worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
- (b) each employer must maintain a record of all workers who have disclosed to the employer under subclause (20)(a) that they are working across more than one Work Premises.

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

- (1) An employer must not require a worker to perform work at a Work Premises if the worker is displaying one or more **2019-nCoV Symptoms**.

- (2) As soon as practicable after becoming aware of a suspected case in a worker who has attended a Work Premises in the period commencing 48 hours prior to the onset of symptoms, an employer must:

- (a) advise the worker to **self-isolate** immediately and support the worker in doing so, by either:
 - (i) directing the worker to travel home immediately (and providing support to the worker to do so); or
 - (ii) where the worker is unable to travel home immediately, directing the worker to isolate themselves at the Work Premises and, whilst doing so, to wear a face covering and remain at least 1.5 metres from any other person at the Work Premises, until the worker can return home later that day to self-isolate; and

Note: the worker should isolate in a separate room from other persons, where possible.

- (b) advise the worker to be tested for 2019-nCoV as soon as practicable, and to self-isolate whilst awaiting the result of that test; and
- (c) take all reasonably practicable steps to manage the risk posed by the suspected case, including but not limited to:
 - (i) cleaning areas of the Work Premises used by the suspected case (including their personal workspace and any areas in the Work Premises frequently used by the suspected case);
 - (ii) cleaning high-touch surfaces at the Work Premises likely to have been frequented by the suspected case; and

Examples: lift buttons, door handles, washroom facilities, kitchen facilities, water coolers. For further information, see the guidance at www.dhhs.vic.gov.au/cleaning-and-disinfecting-reduce-covid-19-transmission-tips-non-healthcare-settings.

- (d) ensure appropriate records are maintained in accordance with clause 7(7) in order to support contact tracing if the suspected case becomes a confirmed case, particularly from the period commencing 48 hours prior to the onset of symptoms in the suspected case; and

Note: this will include, for example, rosters and worker details, and details of all visitors to the Work Premises, to ascertain which persons were present at the Work Premises and who they may have come into contact with.

- (e) inform all workers (including the **health and safety representative**) to be vigilant about the onset of symptoms of 2019-nCoV and advise all workers to be tested for 2019-nCoV and self-isolate if they become symptomatic.
- (3) If an employer becomes aware of three or more suspected cases in relation to workers at one Work Premises within a five day period, the employer must, as soon as practicable, undertake a risk assessment to determine whether the Work Premises (or the relevant parts of the Work Premises) must be closed to allow appropriate action to be taken.

Note 1: appropriate action may include, but is not limited to, vacating the Work Premises to allow a comprehensive clean to be undertaken and the Work Premises to then be re-opened pending the outcome of 2019-nCoV test results. Guidance on undertaking a risk assessment, and implementing appropriate action, will be provided by the Department to assist in conducting this risk assessment.

Note 2: in relation to a school, non-school senior secondary providers, or childcare or early childhood service, subclause (3) only applies in relation to suspected cases involving workers, not students or children.

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

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

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

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

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

- (i) if the close contact is a worker, direct them to leave the Work Premises and advise them to **self-quarantine**; and
 - (ii) if the close contact is not a worker, issue them a written communication to recommend that they self-quarantine in accordance with guidance from the Department; and
- (f) notify all workers when a worker has tested positive to 2019-nCov; and
- (g) inform all workers (including health and safety representatives) to be vigilant about the onset of symptoms of 2019-nCoV and advise all workers to be tested for 2019-nCoV and self-quarantine if they become symptomatic; and
- (h) put in place appropriate control / risk management measures to reduce the risk of spreading 2019-nCoV at the Work Premises; and

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

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

- (i) contact the Department (or other entity nominated by the Department on its website) and:
 - (i) notify it of the actions taken in accordance with subclause (3)(a) to (h); and
 - (ii) provide it with a copy of the risk assessment conducted in accordance with subclause (3)(c); and
 - (iii) provide the Department (or other entity nominated by the Department) with contact details of any close contacts (whether or not workers) identified pursuant to subclause (3)(e); and
 - (iv) comply with any further directions given by the Department or WorkSafe in relation to closure of the Work Premises (or part of the Work Premises) and/or cleaning; and
- (j) where the Work Premises (or part of the Work Premises) is closed, not re-open that Work Premises (or that part of the Work Premises which was closed) until all of the following have occurred:
 - (i) the employer has complied with all of its obligations under subclause (3)(a) to (i); and
 - (ii) the Department has completed all relevant contact tracing; and
 - (iii) the Department has given clearance for the Work Premises to re-open; and
 - (iv) the employer has notified WorkSafe when the Work Premises is intended to be re-opened.

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

9A Relationship with other directions

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

10 Other definitions

For the purposes of these directions:

- (1) **2019-nCoV Symptoms** means symptoms consistent with 2019-nCoV, including but not limited to the following:
 - (a) a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°C (such as night sweats, chills);
 - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
 - (c) loss of smell;
 - (d) loss of taste;
- (2) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (3) **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, kindergartens/preschool and family daycare services, but not including outside school hours care services; and
 - (b) **Children Services Act 1996**, including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (f applicable) school holiday care programs;
- (4) **cleaned** has the meaning in clause 7(15);
- (5) **cleaning requirement** has the meaning in clause 7(14) to (16) (both inclusive);
- (6) **close contact** means any person who has had contact greater than 15 minutes face-to-face, cumulative, or has shared a closed space for more than two hours, with a **confirmed case** during the **Relevant Period**;
- (7) **commercial passenger vehicle services** has the same meaning as in the **Transport Integration Act 2010**;
- (8) **common areas** of a **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (9) **confirmed case** means a diagnoses of 2019-nCoV in a **worker** at the **Work Premises**;
- (10) **Department** means the Department of Health and Human Services;
- (11) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 12)**;
- (12) **diagnosed worker** means a **worker** who is a **diagnosed person**;
- (13) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (14) **Directions currently in force** has the same meaning as in the **Area Directions (No. 9)**;
- (15) **employee** includes a person who is self-employed;
- (16) **employer** means a person who owns, operates or controls **Work Premises** (or a Work Premises) and includes a person who is self-employed;
- (17) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection;
- (18) **food and drink facility** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne) (No. 7)**;
- (19) **health and safety representative** has the same meaning as in the **OHS Act**;
- (20) **indoor space** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne) (No. 7)**;

- (21) **indoor zone** means a section of an **indoor space** that:
- (a) is of at least 200 square metres in area; and
 - (b) is designated by the person who owns, controls or operates the indoor space as being for the exclusive use of specified members of the public; and
 - (c) is delineated by landmarks or visible markings;
- (22) **inspector** has the same meaning as in the **OHS Act**;
- (23) **market** means a public market, whether indoor or outdoor, including a food market;
- (24) **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;
- (25) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (26) **outbreak** means:
- (a) a single confirmed case of 2019-nCoV in a resident, staff member or frequent attendee of a residential aged care facility; or
 - (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;
- Note: transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. Also, in some circumstances, the Department may identify other settings that are sensitive and where a single confirmed case will trigger an outbreak response. Relevant parties will be informed if this occurs. Determining whether a person is a frequent or infrequent visitor may be based on frequency of visits, time spent in the setting, and number of contacts within the setting.*
- (27) **outdoor space** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne) (No. 7)**;
- (28) **passenger services** has the same meaning as in the **Transport Integration Act 2010**;
- (29) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (30) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (31) **PPE** means personal protective equipment;
- (32) **premises** has the same meaning as in the **PHW Act**;
- (33) **reasonably practicable** is to have its ordinary and common sense meaning;
- (34) **records requirement** has the meaning in clause 7(7) to (9) (both inclusive);
- (35) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (36) **Relevant Period** has the meaning given in clause 9(1);
- (37) **Restricted Area** has the meaning in the **Area Directions (No. 9)**;
- (38) **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;
- (39) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (40) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (41) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 12)**;
- (42) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 12)**;
- (43) **signage requirement** has the meaning in clause 7(12) and (13);

- (44) **suspected case** means a person who is displaying one or more **2019-nCoV Symptoms**;
- (45) **vehicle** has the same meaning as in the **PHW Act**;
- (46) **Work Premises** means the **premises** of an **employer** in which work is undertaken, including any **vehicle** whilst being used for work purposes, but excluding an employee's ordinary place of residence;
Note: this includes a community facility such as a community centre or community hall, or a public library, or a place of worship.
- (47) **WorkSafe** means WorkSafe Victoria;
- (48) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work.

11 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Dated 11 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

Workplace (Additional Industry Obligations) Directions (No. 8)

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. 7)** and the **Permitted Worker Permit Scheme Directions (No. 7)** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace (Additional Industry Obligations) Directions (No. 7)** and add obligations in relation to employers of seasonal horticultural workers.

2 Citation

- (1) These directions may be referred to as the **Workplace (Additional Industry Obligations) Directions (No. 8)**.
- (2) The **Workplace (Additional Industry Obligations) Directions (No. 7)** are revoked at 11:59:00 pm on 11 October 2020.

3 Deleted clause**4 Commencement**

These directions commence at 11:59:00 pm on 11 October 2020 and end at 11:59:00 pm on 8 November 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) **supermarket Work Premises**; 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;**
- (j) **wholesale facilities;** and
- (k) horticulture operations using **seasonal workers** for **seasonal horticultural work**.

*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. 12)** available at: 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 Work Premises [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]
- Horticulture operations [Agriculture, forestry and fishing]

*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, seafood processing facilities and horticulture operations using seasonal workers for seasonal horticultural work, 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. 7)** 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. 7)** or these directions; or

- (i) transporting supplies to a Work Premises that is a construction site or seasonal Work Premises, where those workers are only on the construction site or seasonal Work Premises (as the case may be) for such period of time as is reasonably necessary to deliver the supplies to the construction site or seasonal Work Premises (as the case may be).
- (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 and manufacturing facilities), and **labour hire providers** (to the extent they provide any onsite service for seasonal workers such as transport or accommodation), must have a **High Risk COVIDSafe Plan**.

Note: where a Work Premises includes operations in relation an Additional Obligation Industry and another industry, the Work Premises must still have a High Risk COVIDSafe Plan to the extent these directions require 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. 7)** (regardless of whether an Additional Obligation Industry is required to have a COVIDSafe Plan under the **Workplace Directions (No. 7)**); 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. 12)**.
- (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. 7)**)) 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, supermarket Work Premises 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;
 - (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. 7)**; 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. 18)** or the **Stay Safe Directions (Non-Melbourne) (No. 4)** (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.

Supermarket Work Premises 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. 7)** 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. 7)**;
 - (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. 12)** available at: 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 m² 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. 12)** or the **Restricted Activity Directions (Non-Melbourne) (No. 7)** (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 that was closed under the Permitted Work Premises List as at 13 September 2020 if it reduces its daily total workforce capacity by at least 10 percent.

Note 1: 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).

*Note 2: a Work Premises that is a manufacturing facility that was permitted to open under the Permitted Work Premises List as at 13 September 2020 is not required to comply with this subclause (47) and may continue operate in line with any applicable requirements in any **Directions currently in force**.*

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).

Horticulture Work Premises using seasonal workers for seasonal horticultural work

- (50) An employer may only operate a seasonal Work Premises using seasonal workers for seasonal horticultural work if it complies with subclauses ((51)) to ((66)) (inclusive).
- (51) An employer must not allow a seasonal worker to commence seasonal horticultural work (except where subclause (56) applies) unless:
- (a) the seasonal worker has provided the employer with a written declaration as to whether or not the worker has been in the Restricted Area in the preceding 14 days; and
 - (b) If the seasonal worker has been in the Restricted Area in the preceding 14 days, the seasonal worker must have:
 - (i) been tested for 2019-nCoV;

- (ii) received a negative test result for 2019-nCov in the preceding four days prior to the date that the seasonal worker is expected to commence seasonal horticultural work; and
- (iii) provided evidence of the negative test result to the employer prior to commencing seasonal horticultural work.

Note: A paper or electronic notification confirming the negative test result from a testing provider is sufficient evidence to be provided/sighted.

Note: this clause (51) does not apply to workers carrying out:

- (a) agricultural work or services which occur on an on-going basis;
- (b) emergency repairs and maintenance;
- (c) assurance activities related to the farm business/host meeting their obligations; or
- (d) transportation of supplies where workers attend only for the time reasonably necessary to deliver the supplies.

(52) A labour hire provider providing seasonal workers to an employer for seasonal horticultural work must not offer the seasonal worker for seasonal horticultural work (except where subclause (56) applies) unless:

- (a) the seasonal worker has provided the labour hire provider with a written declaration as to whether or not the worker has been in the Restricted Area in the preceding 14 days; and; and
- (b) If the seasonal worker has been in the Restricted Area in the preceding 14 days, the seasonal worker must have:
 - (i) been tested for 2019-nCoV;
 - (ii) received a negative test result for 2019-nCov in the preceding four days prior to the date that the seasonal worker is expected to commence seasonal horticultural work; and
 - (iii) provided evidence of the negative test result to the labour hire provider prior to commencing seasonal horticultural work.

Note: A paper or electronic notification confirming the negative test result from a testing provider is sufficient evidence to be provided/sighted.

Note: this clause (51) does not apply to workers carrying out:

- (a) agricultural work or services which occur on an on-going basis;
- (b) emergency repairs and maintenance;
- (c) assurance activities related to the farm business/host meeting their obligations; or
- (d) transportation of supplies where workers attend only for the time reasonably necessary to deliver the supplies.

(53) An employer may meet its obligations under subclause (51) by obtaining that information from a labour hire provider who has obtained that information by meetings its obligations under subclause (52).

(54) The employer and the labour hire provider must keep a written record of the date of each negative test result that it has sighted in relation to a seasonal worker under subclause (51) and (52) respectively.

(55) The employer must keep a daily written record of the name, contact number and work location of every seasonal worker engaged to perform seasonal horticultural work.

(56) In relation to a seasonal Work Premises where seasonal workers commute daily to the Work Premises from the Restricted Area, an employer must;

- (a) each day ask each seasonal worker, and each seasonal worker must declare, if they have travelled from the Restricted Area that day on that day and the employer must keep a daily record of these declarations;

- (b) carry out surveillance testing on its seasonal workers for 2019-nCoV at a Work Premises in accordance with the requirements of the Department of Health and Human Services; and
 - (c) keep written records of surveillance testing of seasonal workers for 2019-nCoV and have them available for inspection by an Authorised Officer upon request.
- (57) In collecting the information outlined in subclause subclauses (54), (55) and (56), an employer must:
- (a) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer; and
 - (b) destroy the information as soon as reasonably practicable following 28 days after receipt of the information by the employer, unless another statutory requirement permits or requires the personal information to be retained.
- (58) The employer must arrange operations at the Work Premises so as to have seasonal workers working consistently with the same group of other workers where reasonably practicable, including (but not limited to):
- (a) developing separate shifts in a way that minimises physical interactions between groups of workers attending different shifts;
 - (b) separates workers into work areas;
 - (c) dividing work areas up further into separate teams;
 - (d) providing suitable separate break areas for the separate teams including, to the extent possible, outdoor break areas with shade;
 - (e) where workers are from the same household, ensuring they work in the same shift and work area.
- Note: To the extent it is the reasonably practicable, there should be no mixing of the worker 'bubbles' on site. Workers within a bubble should work and take breaks together. In addition, worker bubbles should, to the extent that is reasonably practicable, be maintained with respect to accommodation and transport.*
- (59) In addition to the requirements of the COVID Safe Plan, the employer must record on a daily basis the roster of workers, including the work areas, work teams and breaks taken for each worker bubble.
- (60) The employer must provide training to seasonal workers (including, but not limited to, an induction for all workers commencing at, or returning to, the Work Premises) that covers:
- (a) good hygiene practices; and
 - (b) advising workers not to attend the Work Premises when unwell; and
 - (c) compliance with the requirements of subclause (58).
- (61) The employer must carry out cleaning of the seasonal Work Premises each evening and provide:
- (a) clean water and soap for washing hands; and
 - (b) well-maintained toilet facilities
- for workers, in a location or locations that are reasonably adjacent to work areas and, as far as is practicable, separate from the employer's premises or farm homestead.
- (62) In relation to seasonal Work Premises, an employer must:
- (a) make available an adequate supply of surgical face masks free of charge to seasonal workers employed or engaged at the seasonal Work Premises; and
 - (b) ensure that all seasonal workers at the seasonal Work Premises wear a surgical face mask at all times (other than to eat, drink and take medications), unless the nature of a seasonal worker's work means that it creates a risk to their

health and safety or any of the other circumstances set out in section 7(2) of the Workplace Directions (No. 7) apply.

- (63) Where the employer or labour hire provider provides accommodation to a seasonal worker they must ensure that the arrangements in relation to **seasonal worker accommodation** are included in the attachment to their High Risk COVIDSafe Plan in accordance with the requirements of subclause (64).
- (64) Where the employer or labour hire provider provides seasonal worker accommodation to a seasonal worker, they must specify in their High Risk COVIDSafe Plan the arrangements in relation to seasonal worker accommodation provided by the employer or labour hire provider, with respect to:
- (a) density;
 - (b) sanitation;
 - (c) use of communal facilities;
 - (d) regular cleaning; and
 - (e) the provision of alternative facilities where a resident is required to self-isolate as a confirmed case or close contact under the **Diagnosed Persons and Close Contacts Directions (No. 12)**,

in accordance with guidance produced by Department of Jobs, Precincts and Regions and Department of Health and Human Services.

- (65) Where the employer or labour hire provider provides **seasonal worker transport** (whether that transport is owned or leased) to a seasonal worker they must ensure that arrangements in relation to the seasonal worker transport included in the attachment to their High Risk COVIDSafe plan in accordance with the requirements of subclause (66).
- (66) Where the employer or labour hire provider provides seasonal worker accommodation to a seasonal worker, they must specify in their High Risk COVIDSafe Plan the arrangements in relation to seasonal worker transport provided by the employer or labour hire provider, with respect to:
- (a) distancing;
 - (b) wearing of masks;
 - (c) ventilation; and
 - (d) regular cleaning,

in accordance with guidance produced by Department of Jobs, Precincts and Regions and Department of Health and Human Services.

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. 7)**, the **Workplace Directions (No. 7)** 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. 7)**;
- (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. 7)**;
- (8) **cleaning requirement** has the same meaning as in the **Workplace Directions (No. 7)**;
- (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. 7)**;
- (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. 9)**;
- (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) **labour hire provider** means a person who arranges, engages, supplies, subcontracts or otherwise provides seasonal workers (as employees, independent contractors or otherwise) for seasonal horticultural work (and includes a person who is self-employed or a sole trader);
- (24) **large-scale construction site** has the meaning in clause 7(39);
- (25) **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);
- (26) **meat processing facility** has the meaning under the PrimeSafe licence category “further meat processing facilities”;
- (27) **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;
- (28) **medical supply, pharmaceutical supply and personal protective equipment supply facility Work Premises** has the meaning in clause 7(29);
- (29) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (30) **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.

- (31) **perishable food Work Premises** has the meaning in clause 7(25)(b);
- (32) **personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;
- (33) **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;
- (34) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (35) **poultry processing facility** has the meaning under the PrimeSafe licence category “poultry meat processing facilities”;
- (36) **premises** has the same meaning as in the **PHW Act**;
- (37) **reasonably practicable** is to have its ordinary and common sense meaning;
- (38) **records requirement** has the same meaning as in the **Workplace Directions (No. 7)**;
- (39) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (40) **Restricted Area** has the same meaning as in the **Area Directions (No. 9)**;
- (41) **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**;
- (42) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (43) **seafood processing facility** has the meaning under the PrimeSafe licence category “seafood processing facilities”;
- (44) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 12)**;
- (45) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 12)**;
- (46) **seasonal horticultural work** means work that is seasonal in nature in the horticulture (ie production of fruit and vegetables) sector of the agriculture industry, including the picking, packing and harvesting of seasonal produce, but does not include:
 - (a) the production of nuts, wine grapes and olives; or
 - (b) storage and distribution activities that occur post production;
- (47) **seasonal worker** means a worker temporarily employed or engaged to perform seasonal horticultural work at seasonal work premises;
- (48) **seasonal worker accommodation** means any on-farm or off-farm accommodation provided for seasonal workers on a temporary basis by the employer or labour hire provider where the number of seasonal workers is greater than two and the accommodation is not the seasonal worker’s usual place of residence;
- (49) **seasonal worker transport** means any transport provided by the employer or labour hire provider used for transporting seasonal workers;
- (50) **seasonal Work Premises** means a farm or workplace where seasonal horticultural work is undertaken;

(51) **small-scale construction site** has the meaning in clause 7(33);

(52) **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;
- (53) **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;
- (54) **supermarket Work Premises** has the meaning in clause 7(25)(a);
- (55) **vehicle** has the same meaning as in the **PHW Act**;
- (56) **weekly peak workforce capacity** has the meaning in clause 7(11);
- (57) **weekly total workforce capacity** has the meaning in clause 7(12);
- (58) **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;
- (59) **Work Premises** means the **premises** of an **employer** in which work is undertaken, including any **vehicle** whilst being used for work purposes, and including a **seasonal Work Premises**;
- (60) **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 11 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****Permitted Worker Permit Scheme 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**):

PART 1 – PRELIMINARY**1 Preamble**

- (1) The purpose of these directions is to address the serious public health risk posed to Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions establish the **Permitted Worker Permit Scheme**.
- (3) The Permitted Worker Permit Scheme details obligations on:
 - (a) **Permitted Employers** who operate a **Work Premises** in the **Restricted Area** or require an employee who ordinarily resides either in or outside the Restricted Area to attend a Work Premises; and
 - (b) employees who ordinarily reside in the Restricted Area to attend the Work Premises of a Permitted Employer,in relation to the Permitted Worker Permit Scheme, which are necessary to manage the risk associated with 2019-nCoV.
- (4) The Permitted Worker Permit Scheme is designed to allow Permitted Employers providing **Permitted Services** to operate during First Step and Second Step restrictions in Victoria, by issuing employees with a **Permitted Worker Permit** to work at a Work Premises during the **Permitted Worker Permit Scheme period**.
- (5) These directions must be read together with the **Directions currently in force**.

2 Citation

- (1) These directions may be referred to as the **Permitted Worker Permit Scheme Directions (No. 7)**.
- (2) The **Permitted Worker Permit Scheme Directions (No. 6)** are revoked at 11:59:00 pm on 11 October 2020.

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

For the purposes of these directions, the **Permitted Worker Permit Scheme period** is the period beginning at 11:59:00 pm on 11 October 2020 and ending at 11:59:00 pm on 8 November 2020.

4 Diagnosed Persons and Close Contacts

- (1) A person who is a **diagnosed person** or a **close contact** is not permitted to:
 - (a) hold a Permitted Worker Permit; or
 - (b) otherwise attend a Work Premises in reliance on any of the provisions contained in these directions.
- (2) If a person is notified that they are a diagnosed person or a close contact in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 12)**:
 - (a) they must immediately notify their employer; and
 - (b) they must not attend or remain at the Work Premises; and

(c) any Permitted Worker Permit is automatically revoked upon such notification.

*Note: once a person has been released or given clearance from self-isolation or self-quarantine in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 12)**, the terms of these directions will apply to them.*

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

- (1) Subject to the further requirements set out in subclause (2):
- (a) in accordance with clauses 8(1)(a) and (2) of the **Stay at Home Directions (Restricted Areas) (No. 18)**, a person who ordinarily resides in the Restricted Area may only leave the **premises** where the person ordinarily resides to attend work (whether the work is paid or voluntary, including for charitable or religious purposes) if it is not **reasonably practicable** for the person to work from the premises at which they ordinarily reside; and
 - (b) in accordance with clauses 6(1)(a) and (2) of the **Stay Safe Directions (Non-Melbourne) (No. 4)**, a person who ordinarily resides in the **Relevant Area** may only leave the premises where the person ordinarily resides to attend work (whether the work is paid or voluntary, including for charitable or religious purposes) if it is not reasonably practicable for the person to work from the premises at which they ordinarily reside; and
 - (c) in accordance with clause 6 of the **Workplace Directions (No. 7)**, an employer must not permit a worker to perform work at the Work Premises where it is reasonably practicable for the worker to work at the worker's place of residence or another suitable premises which is not the Work Premises.
- (2) A person must not leave the premises at which they ordinarily reside to:
- (a) attend a Work Premises in the Restricted Area (regardless of whether they ordinarily reside in the Restricted Area or not); or
 - (b) attend a Work Premises outside of the Restricted Area, if they ordinarily reside in the Restricted Area,
- unless:
- (c) the person has been issued with, and has in their possession, photographic personal identification and a current Permitted Worker Permit issued by:
 - (i) a Permitted Employer to perform a Permitted Service where clause 6(1)(a) applies; or
 - (ii) an employer where the employee ordinarily resides in the Restricted Area and attends work at a Work Premises located in the Relevant Area where clause 6(1)(b) applies; or
 - (d) an exemption in clause 9 applies.
- (3) For the avoidance of doubt, these directions apply to persons who:
- (a) ordinarily reside in the Restricted Area and are required to attend a Work Premises located within the Restricted Area; and
 - (b) ordinarily reside in the Relevant Area and are required to attend a Work Premises located within the Restricted Area; and
 - (c) ordinarily reside in the Restricted Area and are required to attend a Work Premises located in the Relevant Area.

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

6 Permitted Employers' duty to issue a Permitted Worker Permit

- (1) In circumstances where clause 5 applies, and subject to clause 9, prior to:
- (a) an employee being permitted to attend work at a Work Premises located within the Restricted Area, a Permitted Employer, which conducts a Permitted Service; or

- (b) an employee who ordinarily resides in the Restricted Area being permitted to attend work at a Work Premises located in the Relevant Area, their employer, must issue the employee with a Permitted Worker Permit, in the approved form.

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

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

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

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

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

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

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

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

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

- (2) In circumstances where clause 5 applies, and subject to clause 9, if a person does not have a Permitted Employer because they are self-employed, a sole-trader, an independent contractor or sub-contractor, or a person appointed to or holding a statutory office, the person must issue themselves with a Permitted Worker Permit in the approved form, signed as both the Permitted Employer and the employee.
- (3) An employer must be a Permitted Employer operating or conducting a Permitted Service in order to issue an employee with a Permitted Worker Permit.
- (4) A Permitted Employer must keep a record of all Permitted Worker Permits they have issued during the Permitted Worker Permit Scheme period. A Permitted Employer must, on request, produce this record to an **Authorised Officer**, a Victoria Police Officer or a Protective Services Officer.

- (5) The Permitted Worker Permit must, amongst other things:
- (a) be in the approved form; and
 - (b) only include details that are, to the best of the Permitted Employer's and employee's knowledge, complete, accurate and not in any way false, misleading or deceptive; and
 - (c) record relevant details of the Permitted Employer including:
 - (i) the Permitted Employer's company name; and
 - (ii) the Permitted Employer's ABN and/or ACN; and
 - (iii) the Permitted Employer's company address; and
 - (iv) the Permitted Employer's trading name; and
 - (v) the address of the Work Premises at which the employee is required to work; and

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

 - (vi) contact details of the Permitted Employer (or an authorised representative of the Permitted Employer) including:
 - (A) contact name; and
 - (B) contact title and role in the business; and
 - (C) telephone number; and
 - (D) contact name and telephone number of a secondary representative of the Permitted Employer; and
 - (d) record relevant details of the employee including:
 - (i) the employee's full name; and
 - (ii) the employee's date of birth; and
 - (iii) the employee's address; and
 - (e) record the expected dates, hours and duration of work required to be performed by the employee (or, if those details are irregular, the possible dates, hours and duration of work likely to be performed); and
 - (f) record the expected rostered hours of work for the employee during the Permitted Worker Permit Scheme period (or, if those details are irregular, the possible dates, hours and duration of work likely to be performed); and
 - (g) record the Permitted Service the employee is required to provide; and
 - (h) include a signed declaration by the Permitted Employer (or an authorised representative of the Permitted Employer) certifying that:
 - (i) the Permitted Employer has taken all reasonable steps to avoid the necessity for the employee to attend the Work Premises and is of the view that the employee's attendance at the Work Premises is required; and
 - (ii) the Permitted Employer's business is operating a Permitted Service; and
 - (iii) the Permitted Employer's Work Premises and work practices are compliant with all relevant legal obligations, including the public health directions issued under the PHW Act, in place at the relevant time, and the Permitted Employer's obligations under the **OHS Act** (or, where applicable, the **Work Health and Safety Act 2011** of the Commonwealth); and

- (iv) the Permitted Employer has a COVIDSafe Plan, if required under the **Workplace Directions (No. 7)**; and

*Note: an employer is required to have a COVIDSafe Plan under the **Workplace Directions (No. 7)** if they require or permit work to be performed at a Work Premises.*

- (v) the Permitted Employer is and will otherwise be operating in accordance with any applicable directions issued under the PHW Act; and
- (vi) the information contained within the Permitted Worker Permit is true and correct; and

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

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

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

Note: the employee may sign electronically.

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

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

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

7 Employer obligations

- (1) Subject to clause 9, an employer, including a Permitted Employer, must take all reasonable steps to ensure that a person does not enter, or remain on, their Work Premises if the person is prohibited from doing so by:
 - (a) clause 4; or
 - (b) the **Workplace Directions (No. 7)**; or
 - (c) clause 8.
- (2) An employer, including a Permitted Employer, must comply with any lawful direction given by an Authorised Officer, a Victoria Police Officer or a Protective Services Officer in relation to:
 - (a) these directions; or
 - (b) a Permitted Worker Permit that the employer has issued; or
 - (c) a worker at the employer's Work Premises.
- (3) Where a Permitted Employer requires work to be performed at a Work Premises, the Permitted Employer must keep a record of those who attend the Work Premises in accordance with the **Workplace Directions (No. 7)**.

8 Employee obligations

- (1) Subject to clause 9, a person must not enter, or remain at, a Work Premises:
 - (a) in the Restricted Area; or
 - (b) in the Relevant Area, if the employee ordinarily resides in the Restricted Area, if they do not hold a current Permitted Worker Permit.
- (2) An employee must:
 - (a) not leave the premises at which they ordinarily reside to attend work if the employee has not been issued with a current Permitted Worker Permit to attend the Work Premises; and

- (b) carry the Permitted Worker Permit at all times at which they have left the premises at which they ordinarily reside to perform work; and
Note: a person may carry either a hardcopy or an electronic copy (or both) of the Permitted Worker Permit.
 - (c) carry photographic personal identification at all times at which they have left the premises at which they ordinarily reside to perform work.
- (3) An employee must, on request, produce to an Authorised Officer, a Victoria Police Officer or a Protective Services Officer photographic personal identification and a current Permitted Worker Permit:
- (a) when they have left the premises in which they ordinarily reside to perform work; and
 - (b) in relation to the employee's attendances at Work Premises.

9 Exemptions

- (1) An employee is permitted to travel to, and enter, a Work Premises, without a current Permitted Worker Permit where:
- (a) the primary purpose of the employee's travel and attendance at the Work Premises is to obtain their first Permitted Worker Permit from a Permitted Employer; or
 - (b) the employee is required to work from the Work Premises on short notice, rendering it impracticable for the employee to receive a current Permitted Worker Permit (or a Permitted Worker Permit that includes accurate details as to the employee's work hours or location) prior to attending the Work Premises. In these circumstances, the employee must carry a Permitted Worker Permit in relation to the same Permitted Employer which has expired, is incomplete or applies to another time period, so that if necessary the employee's Permitted Employer can be contacted to verify that the employee is required; or
 - (c) it is not reasonable for the employee to work from their ordinary place of residence because of a risk of harm (including harm relating to family violence or violence of another person at the premises); or
 - (d) in exceptional circumstances, if the employee is carrying a written document (other than in the approved form) that includes all of the details required in clause 6(5) and the approved form (without the employer's certification and signature).
- (2) An adult is permitted to travel to or from a Work Premises without a current Permitted Worker Permit in circumstances where they are transporting a dependant or a person they ordinarily reside with to or from the Work Premises in accordance with a current Permitted Worker Permit in relation to that dependant or other person.
Note: this encompasses circumstances where, for reasons including because of age, impairment, medical condition, disability, or other reasons, a person is not able to transport themselves to the Work Premises listed on their Permitted Worker Permit and require a parent, guardian, carer or other responsible adult to transport them to their Work Premises.
- (3) Subject to subclauses (4) and (5), the following persons are not required to be issued with, and to hold, a Permitted Worker Permit prior to entering, or remaining at, their Work Premises:
- (a) all Victoria Police employees, Australian Defence Force employees, Australian Criminal Intelligence Commission employees, Australian Border Force employees, Australian Federal Police employees and employees of government intelligence and security agencies;
 - (b) emergency service workers, which include officers and employees of:
 - (i) Ambulance Victoria; and
 - (ii) Australian Red Cross; and

- (iii) Bushfire Recovery Victoria; and
 - (iv) Country Fire Authority; and
 - (v) Emergency Management Victoria; and
 - (vi) Emergency Services Telecommunications Authority; and
 - (vii) Fire Rescue Victoria; and
 - (viii) Forest Fire Management Victoria; and
 - (ix) Life Saving Victoria; and
 - (x) Marine Search and Rescue; and
 - (xi) Victoria State Emergency Service Authority; and
 - (xii) Victorian Institute of Forensic Medicine;
- (c) hospital workers and health workers (including non-emergency patient transport workers);
- (d) any class of person approved by the Chief Health Officer in writing and subject to any conditions specified by the Chief Health Officer.
- (4) A person is not required to have a Permitted Worker Permit under subclause (3) provided that they have photographic personal identification issued by the organisation which employs or engages them in the capacity set out in subclause (3) and which identifies the person's place of work in that capacity.
- (5) An employee of the category defined in subclause (3) must, on request, produce the photographic personal identification referred to in subclause (4) which identifies the person's place of work to an Authorised Officer, a Victoria Police Officer or a Protective Services Officer.

PART 3 – REFERENCES TO ACCESS TO ONSITE CHILDCARE/KINDERGARTEN PERMIT SCHEME

10 References in other Directions currently in force

- (1) A reference in any other Directions currently in force to:
- (a) an Access to Onsite Childcare/Kindergarten Permit; or
 - (b) the Access to Onsite Childcare/Kindergarten Permit Scheme,
- (each as defined in the **Permitted Worker Permit Scheme Directions (No. 5)**) is of no effect from 11:59:00 pm on 27 September 2020.
- (2) A provision in any other Directions currently in force which purports to require a person to:
- (a) have received an Access to Onsite Childcare/Kindergarten Permit; or
 - (b) be entitled to access onsite childcare or kindergarten services without an Access to Onsite Childcare/Kindergarten Permit,
- under the **Permitted Worker Permit Scheme Directions (No. 5)** is of no effect from 11:59:00 pm on 27 September 2020.

PART 4 – OTHER PROVISIONS

11 Relationship with other directions

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

12 Other definitions

For the purposes of these directions:

- (1) **Authorised Officer** has the same meaning as in section 3 of the **PHW Act**;
- (2) **clinical placement** means the placement of a prescribed student in a medical, nursing, midwifery, allied health, health assistance or personal care clinical context, excluding a placement in a residential aged care facility;
- (3) **close contact** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 12)**;
- (4) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 12)**;
- (5) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (6) **Directions currently in force** has the same meaning as in the **Area Directions (No. 9)**;
- (7) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (8) **Permitted Employer** means an organisation or individual which operates a **Permitted Work Premises**;
- (9) **Permitted Services** means the services of the **Permitted Work Premises** for the purposes of the **Restricted Activity Directions (Restricted Areas) (No. 12)** available at: www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19 as amended from time to time by the Victorian Government;
- (10) **Permitted Work Premises** means the Permitted Work Premises for the purposes of the **Restricted Activity Directions (Restricted Areas) (No. 12)** available at: www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19 as amended from time to time by the Victorian Government;
- (11) **Permitted Worker Permit** means a permit issued under clause 6;
- (12) **Permitted Worker Permit Scheme** means the scheme established under these directions;
- (13) **Permitted Worker Permit Scheme period** means the period specified under clause 3;
- (14) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (15) **premises** has the same meaning as in section 3 of the **PHW Act**;
- (16) **prescribed higher education provider** means an approved university or a TAFE institute under the **Education and Training Reform Act 2006** or a registered training organisation;
- (17) **prescribed student** means a student at a **prescribed higher education provider** studying:
 - (a) a diploma or undergraduate or postgraduate qualification in medicine, nursing, midwifery or allied health; or
 - (b) Certificate III and Certificate IV programs with a focus on health assistance or personal care;
- (18) **reasonably practicable** is to have its ordinary and common sense meaning;
- (19) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (20) **Restricted Area** has the same meaning as in the **Area Directions (No. 9)**;
- (21) **vehicle** has the same meaning as in the **PHW Act**;
- (22) **Work Premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes.

13 Penalties

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

False or misleading information

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

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

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

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

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

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

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

Compliance with direction or other requirement

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

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

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

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

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

- (a) \$1,600 in the case of a natural person; or
-
- (b) \$9,900 in the case of a body corporate.

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

- (5) If the content of a Permitted Worker Permit is suspected to be fraudulent criminal investigations may be considered.

Dated 11 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

Care Facilities Directions (No. 13)

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 sections 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

1 Preamble

- (1) The purpose of these directions is to make provision for restricted access to care facilities in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**) within a particularly vulnerable population, balancing the need to limit the spread of 2019-nCoV against the broader responsibilities of care facilities to the physical, emotional and psychological wellbeing of their clients.
- (2) These directions replace the **Care Facilities Directions (No. 12)**.

2 Revocation

The **Care Facilities Directions (No. 12)** are revoked at 11:59:00 pm on 11 October 2020.

3 Citation

These directions may be referred to as the **Care Facilities Directions (No. 13)**.

4 Definition of care facility

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

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

5 Prohibition on entry

- (1) A person must not enter, or remain on, the premises of a **care facility** between (and including) 11:59:00 pm on 11 October 2020 and 11:59:00 pm on 8 November 2020 unless:
 - (a) the person is a **resident** of the facility; or
 - (b) the person is a **worker** in relation to the facility, as defined in clause 6; or
 - (c) the person is a **visitor** in relation to the facility, as defined in clause 7, and the person's visit complies with the limits in that clause.

Excluded persons

- (2) Despite subclause (1), a person who is a worker or a visitor in relation to a care facility must not enter, or remain on, the premises of the facility between (and including) 11:59:00 pm on 11 October 2020 and 11:59:00 pm on 8 November 2020 if:
 - (a) the person has been diagnosed with 2019-nCoV, and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions (No. 12)**; or

- (b) during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia; or
- (c) during the 14 days immediately preceding the entry, the person had known contact with a person who has been diagnosed with 2019-nCoV; or
*Note: a person who has had known contact with a person who has been diagnosed with 2019-nCoV may also be required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions (No. 12)**.*
- (d) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection; or
- (e) the person is aged under 16 years, other than in circumstances where:
 - (i) the person's presence at the premises is for the purposes of **end of life** support for a resident of the facility; and
 - (ii) the person is a child, grandchild or sibling of the resident; or
- (f) in the case of a visitor – the person has been tested for 2019-nCoV, and has not yet received the results of that test.

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

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

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

6 Definition of worker

- (1) A person is a **worker** in relation to a care facility if:
 - (a) the person is the **operator** of the facility or an **employee or contractor** in relation to the facility; or
 - (b) the person's presence at the premises of the facility is for the purposes of providing goods or services that are necessary for the effective operation of the facility, whether the goods or services are provided for consideration or on a voluntary basis; or
 - (c) the person's presence at the premises of the facility is for the purposes of providing any of the following goods or services to a resident of the facility, whether the goods or services are provided for consideration or on a voluntary basis:

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

Note: this includes advocates with a legislated role such as the National Aged Care Advocacy Program and the Community Visitors Scheme.

7 Definition of visitor, limits on visits

- (1) A person is a **visitor** in relation to a care facility if:
 - (a) the person is described in one of subclauses (2)(a) to (2)(j); and
 - (b) the person’s visit to the care facility satisfies the limits specified in italics below the relevant subclause.
- (2) A person may visit a resident at a care facility if:
 - (a) in the case of a resident of a facility aged under 18 years – the person is the parent or guardian of the resident or has temporary care of the resident; or
Limit: maximum of two parents, carers or guardians at any one time for an admitted child (under 18 years) with no time limit.
Example: As parents, carers, and guardians are a critical part of a child’s care team, there may be times during an admitted child’s stay at the facility, when it is necessary for two parents to be with their child at any one time to enable informed shared decision making and care provision.
 - (b) in the case of a resident of a facility aged 18 years or over – the person is the parent, guardian, partner, carer or support person of the resident, and the person’s visit is for the purpose of providing emotional, cultural, spiritual or social support to the resident that cannot reasonably be provided by that person via electronic or other non-contact means; or
Limit: only 1 visitor, once per day, for a maximum of 2 hours.
 - (c) in the case of a resident of the facility who has a mental illness – the person is the resident’s **nominated person** and the person’s presence at the facility is for the purposes of matters relating to their role as nominated person; or
Limit: only 1 visitor at any one time, for a maximum of 2 hours per visit.
 - (d) the person’s presence at the facility is for the purposes of providing essential care and support necessary for the resident’s physical wellbeing that optimises the care and support delivered by workers at the facility and cannot reasonably be provided by that person via electronic means; or
Limit: only 1 visitor at any one time.

Example: providing ongoing support, assistance or personal care to a resident with activities of daily living such as showering, dressing, or meals.

- (e) the person's presence at the facility is for the purposes of providing essential care and support necessary for the resident's emotional, cultural, spiritual, or social wellbeing (including mental health supports) that optimises the care and support delivered by workers at the facility and cannot reasonably be provided by that person via electronic means; or

Limit: only 1 visitor at any one time.

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

Example: the person's physical presence is necessary to support decision making for a person with cognitive impairment or cognitive disability.

- (f) the person's presence at the facility is for the purposes of acting as an interpreter or providing informal language support to enable the delivery of care by workers at the facility; or

Limit: only 1 visitor at any one time.

- (g) the person's presence at the facility is for the purposes of learning to support the resident's care upon the resident's discharge; or

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

Example: in preparation for providing in home care.

- (h) the person's presence at the facility is for the purposes of providing end of life support to a resident of the facility; or

Limit: maximum of 2 visitors at any one time.

Example: resident is deteriorating, and death is expected within days (including periods of up to 14 days). The resident may be commenced on a care plan for the dying or is unlikely to be discharged from this admission.

- (i) the person's presence at the facility is in the person's capacity as a prospective resident of the facility; or

Limit: only 1 visitor at any one time.

- (j) the person's presence at the facility is for the purposes of accompanying a prospective resident.

Limit: only 1 visitor at any one time.

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

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

8 Operator to take all reasonable steps

The operator of a care facility in Victoria must take all reasonable steps to ensure that:

- (1) a person does not enter or remain on the premises of the facility if the person is prohibited from doing so by clause 5; and
- (2) the care facility facilitates telephone, video or other means of electronic communication with the parents, guardians, partners, carers and support persons of residents to support the physical, emotional and social wellbeing (including mental health) of residents.

9 Relationship with other Directions

Where the premises of a care facility are located within the premises of a hospital subject to the **Hospital Visitor Directions (No. 13)** these directions apply, to the exclusion of the **Hospital Visitor Directions (No. 13)**, in relation to the premises of the care facility and to matters that relate to the care facility.

10 Definitions

For the purposes of these directions:

- (1) **alcohol and drug residential service** means any of the following:
 - (a) a treatment centre within the meaning of the **Severe Substance Dependence Treatment Act 2010**;
 - (b) a residential treatment service (however described) that provides drug or alcohol withdrawal or rehabilitation services in a residential setting to people dependent on alcohol or other drugs;
 - (c) a service that provides supported accommodation to a person after the person has received residential treatment services of the kind referred to in paragraph (b);
- (2) **disability residential service** means a residential service within the meaning of the **Disability Act 2006** and to avoid doubt, includes the facility called the Intensive Residential Treatment Program of the Statewide Forensic Service;
Note: the Intensive Residential Treatment Program of the Statewide Forensic Service is often referred to as "DFATS".
- (3) **eligible SDA enrolled dwelling** means a Specialist Disability Accommodation (SDA) enrolled dwelling that is provided under an SDA residency agreement within the meaning of section 498B of the **Residential Tenancies Act 1997**;
- (4) **end of life**, in relation to a resident:
 - (a) means a situation where the resident's death is expected within days (including periods of 14 days or longer), or where the resident, with or without existing conditions, is at risk of dying from a sudden acute event;
 - (b) does not mean a situation where a resident has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the resident is expected to die within 12 months (except where the situation also falls within paragraph (a)).
- (5) **employee or contractor**, in relation to a care facility, means a person employed or engaged as a contractor by the operator of the facility, and includes a person who **provides labour hire services** to the operator of the facility;
- (6) **flexible care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (7) **homelessness residential service** means a service that is funded by government to provide a staffed residential service to people who are homeless or at risk of being homeless;
- (8) **nominated person** in relation to a resident has the same meaning as in the **Mental Health Act 2014**;
- (9) **operator** of a care facility means:
 - (a) for an **alcohol and drug treatment facility** – the operator of the facility;
 - (b) for a **homelessness residential service** – the entity that receives government funding to provide the service;
 - (c) for a **residential aged care facility** – the operator of the facility;
 - (d) for a **disability residential service** – the **disability service provider** that operates the service;
 - (e) for an **eligible SDA enrolled dwelling** – the **disability service provider** or the **registered NDIS provider** that operates the service;
 - (f) for a **short-term accommodation and assistance dwelling** – the **registered NDIS provider** or the **disability service provider** that operates the service;
 - (g) for a **secure welfare service** – the Secretary to the Department of Health and Human Services;

- (h) for a **supported residential service** – the **proprietor** of the supported residential service;
- (i) for the **Thomas Embling Hospital** – the **Victorian Institute of Forensic Mental Health**;
- (10) **proprietor** of a **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (11) **provides labour hire services** has the same meaning as in the **Labour Hire Licensing Act 2018**;
- (12) **registered NDIS provider** has the same meaning as in the **National Disability Insurance Scheme Act 2013** of the Commonwealth;
- (13) **resident** of a care facility includes a patient of the care facility;
- (14) **residential aged care facility** means premises at which accommodation and personal care or nursing care or both are provided to a person in respect of whom a **residential care subsidy** or a **flexible care subsidy** is payable under the **Aged Care Act 1997** of the Commonwealth;
- (15) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (16) **secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (17) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (18) **Thomas Embling Hospital** means the hospital of that name operated by the **Victorian Institute of Forensic Mental Health**;
- (19) the following expressions have the same meaning as they have in the **Disability Act 2006**:
 - (a) disability service provider;
 - (b) SDA enrolled dwelling;
 - (c) SDA provider;
 - (d) short-term accommodation and assistance dwelling;
 - (e) treatment plan;
- (20) **Victorian Institute of Forensic Mental Health** has the same meaning as in the **Mental Health Act 2014**.

11 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Penalty: In the case of a natural person, 120 penalty units;
 In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

Dated 11 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

**DIRECTION FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Diagnosed Persons and Close Contacts Directions (No. 12)**

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**):

1 Preamble

- (1) The purpose of these directions is to require persons:
 - (a) diagnosed with Novel Coronavirus 2019 (**2019-nCoV**) to self-isolate;
 - (b) who are living with a **diagnosed person**, or who have been in close contact with a diagnosed person, to self-quarantine;in order to limit the spread of 2019-nCoV.
- (2) These directions replace the **Diagnosed Persons and Close Contacts Directions (No. 11)**, and:
 - (a) require a person who is a **close contact** to notify the **Department** of the premises at which they have chosen to self-quarantine under these directions, and of the name of any other person residing at those premises; and
 - (b) provide that, in the event an authorised officer requests that a person who is a close contact of a diagnosed person take a test for 2019-nCoV during their self-quarantine, and the person refuses to take the test, the person's period of self-quarantine is extended by 10 days; and
 - (c) amends the documents which constitute the **Departmental Requirements**; and
 - (d) provides for the circumstances in which a person may be determined to be a close contact to include where the person has close contact with another person that has had close contact with a diagnosed person.

2 Citation

These directions may be referred to as the **Diagnosed Persons and Close Contacts Directions (No. 12)**.

3 Commencement and revocation

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

4 Self-isolation for diagnosed persons

Who is a diagnosed person?

- (1) A person is a **diagnosed person** if the person:
 - (a) at any time between midnight on 25 March 2020 and 11:59:00 pm on 8 November 2020 has been informed that they have been diagnosed with 2019-nCoV; and
 - (b) has not been given, or is not taken to have been given, **clearance from self-isolation** under clause 5.

Requirement to self-isolate

- (2) A diagnosed person must **self-isolate** under these directions:

- (a) if the diagnosis is communicated to the person on or after the commencement of these directions; or
- (b) if the diagnosis was communicated to the person before the commencement of these directions.

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

Location of self-isolation

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

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

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

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

Self-isolation period

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

Notifications by the diagnosed person

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

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

5 Clearance from self-isolation

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

6 Self-quarantine for close contacts

Who is a close contact?

- (1) For the purposes of this clause, a person is a **close contact** if:
 - (a) an officer or nominated representative of the Department has made a determination under subclause (2) in relation to the person; and
 - (b) between midnight on 11 May 2020 and 11:59:00 pm on 8 November 2020, the person has been given notice of the determination in accordance with subclause (3).
- (2) For the purposes of subclause (1)(a), an officer or nominated representative of the Department may make a determination in relation to a person if the officer or nominated representative is satisfied, having regard to, and in accordance with, Departmental Requirements, that the person is a close contact for the purposes of the Departmental Requirements.

Note: the Departmental Requirements set out different categories of close contacts and different requirements for each category of close contact, including self-quarantine requirements.

Example: a close contact may include a person who has had close contact with a diagnosed person, or a person who has had close contact with that close contact.

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

Requirement to self-quarantine

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

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

Location of self-quarantine

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

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

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

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

End of self-quarantine period

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

Note 1: a close contact who becomes a diagnosed person will then be required to self-isolate under clause 4, for a period ending when the person is given clearance from self-isolation under clause 5.

Note 2: a close contact's period of self-quarantine may also be extended in certain circumstances under clause 7.

Exception – previous clearance

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

Review of determination and notice

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

Transitional provision – close contacts under Revoked Isolation Directions

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

Notifications by the close contact

- (11) Immediately after choosing a premises under subclause (5), a close contact must:
 - (a) notify the **Department** of:
 - (i) the address of the premises chosen by the close contact; and
 - (ii) the name of any other person who is residing at the premises chosen by the close contact.
- (12) If, during the period that a close contact is self-quarantining at a premises for the purposes of clause 6, another person informs the close contact that they intend to commence residing at the premises chosen by the close contact:
 - (a) the close contact must inform the other person of their self-quarantine; and
 - (b) if the other person commences residing at the premises, the close contact must notify the Department that a person has commenced residing with the close contact and of the name of that person.

7 Testing of persons in self-quarantine

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

Note: persons who are in self-quarantine and experience a temperature higher than 37.5 degrees or symptoms of acute respiratory infection are encouraged to get tested. In certain circumstances, a person may be required to comply with an order that they undergo a medical test: PHW Act, section 113(3).
- (2) If a person is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person receives a test result stating that they have been diagnosed with 2019-nCoV, the person becomes a diagnosed person and must self-isolate under clause 4.
- (3) If a person is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person receives a test result stating that they have not been diagnosed with 2019-nCoV, the person:
 - (a) if the period for which the person is required to self-quarantine under clause 6 has not expired – must continue to self-quarantine under that clause for the remainder of that period; or
 - (b) if the period of self-quarantine was extended under subclause (1) – may cease self-quarantining; or
 - (c) if the period of self-quarantine was extended under subclause (4) – may cease self-quarantining at the time referred to in clause 6(7)(a) and, if that time has already passed, may cease self-quarantining immediately.
- (4) If a person is required to self-quarantine under clause 6 because they are a close contact of a diagnosed person and the person refuses to take a test for 2019-nCoV on or about the eleventh day of their period of self-quarantine, the period of self-quarantine is extended until 10 days after the time specified in the notice given under clause 6(1)(b) as given or as varied under clause 6(9).

Note: close contacts will typically be offered a test for 2019-nCoV on day 11 of their self-quarantine, as testing at this time is likely to detect the presence of 2019-nCoV in close contacts who have contracted the virus, even if they have not yet developed symptoms. As a person may be infectious for up to 10 days after the 14 day incubation period, where a test is refused, an additional 10 days of quarantine is required to prevent transmission, even where a person is not symptomatic.

8 Requirements of self-isolation and self-quarantine

- (1) This clause applies to a person who is required to:
 - (a) **self-isolate** at a premises under clause 4; or
 - (b) **self-quarantine** at a premises under clause 6.
- (2) The person identified in subclause (1):
 - (a) must reside at that premises for the entirety of the period of self-isolation or self-quarantine, as the case requires, except for any period that the person is admitted to a hospital or other facility for the purposes of receiving medical care; and
 - (b) must not leave the premises, except:
 - (i) for the purposes of obtaining medical care or medical supplies; or
 - (ii) for the purposes of getting tested for 2019-nCoV; or
 - (iii) in any emergency situation; or
 - (iv) if required to do so by law; or
 - (v) for the purposes of visiting a patient in hospital if permitted to do so under the **Hospital Visitor Directions (No. 13)**; or
 - (vi) for the purposes of working in a **care facility** if permitted to do so under the **Care Facilities Directions (No. 13)**; and
 - (c) must not permit any other person to enter the premises unless:
 - (i) that other person:
 - (A) ordinarily resides at the premises; or
 - (B) is required to self-isolate or self-quarantine at the premises under these directions; or
 - (ii) it is necessary for the other person to enter for medical or emergency purposes; or
 - (iii) the other person is a **disability worker**, and it is necessary for the disability worker to enter for the purpose of providing a **disability service** to a person with a **disability**; or
 - (iv) it is necessary for the other person to enter for the purpose of providing personal care or household assistance to the person as a result of that person's age, disability or chronic health condition; or

Examples: personal care includes assistance with showering, toileting, eating; household assistance includes help with cooking, house cleaning, laundry and gardening.

 - (v) the entry is otherwise required or authorised by law.
- (3) Subclause (2)(c) does not apply to a person who is a **resident** of a care facility.

Note: the Care Facilities Directions (No. 13) govern who can enter a care facility.

9 Exemption power

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

- (4) An exemption granted to a person under this clause does not prevent an authorised officer from exercising an emergency power to give the person a different direction or impose a different requirement on the person.

10 Definitions

In these directions:

- (1) **authorised officer** has the same meaning as in the PHW Act;
- (2) **care facility** has the same meaning as in the **Care Facilities Directions (No. 13)**;
- (3) **close contact** has the meaning in clause 6(1);
- (4) **Department** means the Victorian Department of Health and Human Services;
- (5) **Departmental Requirements** means the document titled ‘Case and contact management guidelines for health services and general practitioners’ available at <https://www.dhhs.vic.gov.au/health-services-and-professionals-coronavirus-covid-19>, as amended or reissued from time to time by the Victorian Government;
- (6) **clearance from self-isolation** has the meaning in clause 5(1);
- (7) **diagnosed person** has the meaning in clause 4(1);
- (8) **emergency powers** has the same meaning as in the PHW Act;
- (9) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 13)**;
- (10) **premises** means:
 - (a) a building, or part of a building; and
 - (b) any land on which the building is located, other than land that is available for communal use;
- (11) **resident** of a care facility has the same meaning as in the **Care Facilities Directions (No. 13)**;
- (12) **Revoked Isolation Directions** means the following directions:
 - (a) **Isolation (Diagnosis) Direction**, given on 25 March 2020;
 - (b) **Isolation (Diagnosis) Direction (No. 2)**, given on 13 April 2020;
 - (c) **Diagnosed Persons and Close Contacts Directions**, given on 11 May 2020;
 - (d) **Diagnosed Persons and Close Contacts Directions (No. 2)**, given on 31 May 2020;
 - (e) **Diagnosed Persons and Close Contacts Directions (No. 3)**, given on 21 June 2020;
 - (f) **Diagnosed Persons and Close Contacts Directions (No. 4)**, given on 1 July 2020;
 - (g) **Diagnosed Persons and Close Contacts Directions (No. 5)**, given on 15 July 2020;
 - (h) **Diagnosed Persons and Close Contacts Directions (No. 6)**, given on 19 July 2020;
 - (i) **Diagnosed Persons and Close Contacts Directions (No. 7)**, given on 22 July 2020;
 - (j) **Diagnosed Persons and Close Contacts Directions (No. 8)**, given on 3 August 2020;
 - (k) **Diagnosed Persons and Close Contacts Directions (No. 9)**, given on 13 August 2020;
 - (l) **Diagnosed Persons and Close Contacts Directions (No. 10)**, given on 16 August 2020;
 - (m) **Diagnosed Persons and Close Contacts Directions (No. 11)**, given on 13 September 2020;

- (13) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
- (a) disability;
 - (b) disability service;
 - (c) disability worker.

11 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Dated 11 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

Hospital Visitor Directions (No. 13)

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 sections 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

1 Preamble

- (1) The purpose of these directions is to prohibit non-essential visits to hospitals in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions replace the **Hospital Visitor Directions (No. 12)**.

2 Citation

These directions may be referred to as the **Hospital Visitor Directions (No. 13)**.

3 Revocation

The **Hospital Visitor Directions (No. 12)** are revoked at 11:59:00 pm on 11 October 2020.

4 Prohibition on entry

- (1) A person must not enter, or remain at, a **hospital** in Victoria between (and including) 11:59:00 pm on 11 October 2020 and 11:59:00 pm on 8 November 2020 unless:
 - (a) the person is a **patient** of the hospital; or
 - (b) the person is a **worker** in relation to the hospital, as defined in clause 5; or
 - (c) the person is a **visitor** in relation to a patient of the hospital, as defined in clause 6, and the person's visit complies with the limits in that clause; or
 - (d) the person is present in an area of the hospital in respect of which an exemption under clause 7 is in force.

Excluded persons

- (2) Despite subclause (1), a worker or a visitor or a person referred to in subclause (1)(d) must not enter or remain at a hospital in Victoria between (and including) 11:59:00 pm on 11 October 2020 and 11:59:00 pm on 8 November 2020 if:
 - (a) the person has been diagnosed with 2019-nCoV, and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions (No. 12)**; or
 - (b) during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia; or
 - (c) during the 14 days immediately preceding the entry, the person had known contact with a person who has been diagnosed with 2019-nCoV; or

*Note: a person who has had known contact with a person who has been diagnosed with 2019-nCoV may also be required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions (No. 12)**.*

 - (d) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection; or
 - (e) the person is aged under 16 years, other than in circumstances where:
 - (i) the person's presence at the hospital is for the purposes of **end of life** support for a patient; and
 - (ii) the person is a child, grandchild or sibling of the patient; or

- (f) in the case of a visitor – the person has been tested for 2019-nCoV, and has not yet received the results of that test.

Hospital may permit certain excluded persons to visit

- (3) Despite subclause (2), a person referred to in subclause (2)(a) may enter or remain at a hospital if:
- (a) the person is:
- (i) a visitor in relation to a patient under clause 6(2)(a), and the purpose of the visit is to breastfeed the patient;
- (ii) a visitor in relation to a patient under clause 6(2)(j); or
- (iii) a visitor in relation to a patient under clause 6(2)(k); and
- (b) the person is authorised to enter or remain at the hospital by:
- (i) an officer of the hospital with the position of Executive Director Nursing or equivalent; and
- (ii) the Chief Health Officer or Deputy Chief Health Officer.

*Note: a person who has been diagnosed with 2019-nCoV and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions (No. 12)** may be authorised to visit the hospital under this subclause. Such authorisation has to be given by the hospital and the Chief Health Officer or the Deputy Chief Health Officer; and can be subject to conditions: see subclause (6).*

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

Note: a hospital may determine whether it will allow a person who has been in close contact with a person who has been diagnosed with 2019-nCoV, who has recently arrived from overseas or who has been tested for 2019-nCoV and has not yet received the results of their test to visit the hospital in certain specified circumstances, and what conditions it will impose on such visits.

- (5) A person permitted to enter or remain at a hospital under subclause (3) must comply with any directions or conditions imposed in relation to their visit by the officer of the hospital who authorised their visit under subclause (4)(b).
- (6) A person permitted to enter or remain at a hospital under subclause (3) must comply with any directions or conditions imposed in relation to their visit by either or both of:
- (a) the officer of the hospital who authorised their visit under subclause (3)(b)(i); and
- (b) the Chief Health Officer or the Deputy Chief Health Officer.
- (7) An officer of the hospital referred to in subclause (4)(b) or subclause (3)(b)(i) as the case may be, must keep, in relation to each person to whom they give authorisation under that subclause, a record of:
- (a) the contact details of the person; and
- (b) the date and time at which that person entered and left the hospital, for at least 28 days from the day the authorisation is given.

5 Definition of worker

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

6 Definition of visitor, limits on visits

- (1) A person is a **visitor** in relation to a patient of a hospital if:
- (a) the person is described in one of subclauses (2)(a) to (2)(m); and
 - (b) the person's visit to the hospital satisfies the limits specified in italics below the relevant subclause.
- (2) A person may visit a patient in a hospital if:
- (a) in the case of a patient of the hospital aged under 18 years – the person is the **parent, carer or guardian** of the patient or has temporary care of the patient; or
Limit: maximum of two parents, carers or guardians at any one time for an admitted child (under 18 years) with no time limit.
Example: As parents, carers or guardians are a critical part of a child's care team, there may be times during an in-patient stay when it is necessary for two parents to be with their child at any one time to enable informed shared decision making and care provision.
 - (b) in the case of a patient of the hospital aged 18 years or over – the person is the parent, guardian, partner, carer or support person of the patient, and the person's presence at the hospital is for the purpose of providing emotional, cultural, spiritual or social support to the patient that cannot reasonably be provided by that person via electronic or other non-contact means; or
Limit: only 1 visitor, once per day, for a maximum of 2 hours.
 - (c) the person's presence at the hospital is for the purposes of providing essential care and support necessary for the patient's physical wellbeing that optimises the care and support delivered by workers at the hospital and cannot reasonably be provided by that person via electronic means; or
Limit: only 1 visitor at any one time.
Example: providing ongoing support, assistance or personal care to a patient with activities of daily living such as showering, dressing or meals.

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

Limit: only 1 visitor at any one time.

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

Example: the person's physical presence is necessary to support decision making for a person with cognitive impairment or cognitive disability.

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

Limit: only 1 visitor at any one time.

- (f) in the case of a pregnant patient of the hospital whose status as a patient relates to the pregnancy, including during labour, birth and the immediate postnatal period prior to transfer out of the birth suites – the person is the patient's partner or support person; or

Limit: only 1 visitor at any one time with no time limit.

- (g) in the case of a patient of the hospital who is in a maternity ward during pregnancy or after the birth of their baby – the person is the patient's partner or support person; or

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

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

Limit: only 1 visitor, once per day, for a maximum of 2 hours. Where the patient is aged under 18 years, the visitor may be the person accompanying the patient to the emergency department, or up to two parents, carers or guardians with no time limit.

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

Limit: only 1 visitor, once per day.

Note: in circumstances where physical distancing cannot be maintained, no visitor or support person would attend outpatient appointments unless the patient is under 18 years, or if the patient is over 18 years but the visitor is providing support as outlined under clause 6(2)(c) or 6(2)(d).

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

Limit: maximum of 2 visitors at any one time.

Example: patient is deteriorating, and death is expected within days (including periods of up to 14 days); patient may be commenced on a care plan for the dying; is unlikely to be discharged from this admission.

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

Limit: maximum of 2 visitors at any one time.

Note: immediate family members could include people with kinship ties to the patient who may not be blood relatives, in particular for Aboriginal and Torres Strait Islander people and families.

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

Limit: only 1 visitor at any one time, for a maximum of 2 hours per visit.

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

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

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

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

7 Exemption power

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

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

8 Operator to take all reasonable steps

The **operator** of a hospital in Victoria must take all reasonable steps to ensure that:

- (1) a person does not enter or remain on the premises of the hospital if the person is prohibited from doing so by clause 4; and
- (2) a record is kept, in relation to each person who enters or remains at the hospital as a visitor under these Directions of:
 - (a) the contact details of the person; and
 - (b) the date and time at which that person entered and left the hospital; for at least 28 days from the day of the entry; and
- (3) the hospital facilitates telephone, video, or other means of electronic communication with the parents, guardians, partners, carers and support persons of patients to support the physical, emotional and social wellbeing (including mental health) of patients.

9 Other Definitions

For the purposes of these directions:

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

Examples: Visiting Medical Officers, locum doctors.

- (2) **end of life**, in relation to a patient:
 - (a) means a situation where the patient's death is expected within days (including periods of 14 days or longer), or where the patient, with or without existing conditions, is at risk of dying from a sudden acute event;
 - (b) does not mean a situation where a patient has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the patient is expected to die within 12 months (except where the situation also falls within paragraph (a)).
- (3) **hospital** means:
 - (a) a public hospital; or
 - (b) a denominational hospital; or
 - (c) a multi-purpose service; or
 - (d) a private hospital; or
 - (e) a day procedure centre;

- (4) **nominated person** in relation to a patient has the same meaning as in the **Mental Health Act 2014**;
- (5) **operator** of a hospital means a person who owns, controls or operates the hospital;
- (6) **parent, carer or guardian** in relation to a patient aged under 18 means an adult in a significant primary caring role, including biological, adoptive, or foster parents, kinship carers, step-parents and legal guardians;
- (7) **patient** of a hospital means a person who requests or is being provided with health, medical or pharmaceutical services by the hospital;
- (8) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
 - (a) disability;
 - (b) disability service;
 - (c) disability worker;
- (9) the following expressions have the same meanings as they have in the **Health Services Act 1988**:
 - (a) day procedure centre;
 - (b) denominational hospital;
 - (c) multi-purpose service;
 - (d) public hospital;
 - (e) private hospital.

10 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Penalty: In the case of a natural person, 120 penalty units;
In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

Dated 11 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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