



# Victoria Government Gazette

No. S 531 Monday 19 October 2020  
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## Public Health and Wellbeing Act 2008

### Section 200

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

##### Stay at Home Directions (Restricted Areas) (No. 19)

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. 18)** to amend the travel limits, remove the two hour limit for various activities, increase the number of people who can gather for exercise or social interaction outdoors from five to ten, permit people to undertake **approved emergency preparation activities** and make other minor changes.

##### 2 Citation

These directions may be referred to as the **Stay at Home Directions (Restricted Areas) (No. 19)**.

##### 3 Revocation

The **Stay at Home Directions (Restricted Areas) (No. 18)** are revoked at 11:59:00 pm on 18 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 18 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**);

**SPECIAL**

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

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

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

#### *Travel restrictions*

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

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

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

*Note 3: a person leaving their premises for approved emergency preparation activities in accordance with these directions may stay overnight at any of their ordinary places of residence. In accordance with clause 5(1C), these directions still apply to a person when they are outside the Restricted Area.*

- (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 25 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)(e) (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 25 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)(e) (place of worship), the person must only use a vehicle where:

*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) the person is using it by themselves; or
- (b) the person is using it with another person with whom they ordinarily reside in accordance with these directions; or
- (c) 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 25 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 (1B), including not travelling further than 25 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. 13)** 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 approved emergency preparation activities, provided they are in accordance with the Directions currently in force and the **emergency preparation activities approval** which applies to those activities or that person; or
  - (g) for emergency purposes (other than emergency maintenance or emergency preparation activities); or
  - (h) 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).

*Note: a person who is visiting and staying in Victoria, whether from overseas or interstate, is taken to be temporarily residing in Victoria. Where that person is staying in the Restricted Area, these directions apply to them.*

- (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. For further information, please refer to the Department of Health and Human Services' guidelines available at: [www.dhhs.vic.gov.au/face-masks-vic-covid-19](http://www.dhhs.vic.gov.au/face-masks-vic-covid-19).*

- (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. 13)**, 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 (other than emergency preparation or emergency preparation activities, unless another exception under this subclause (7) applies); 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 permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Restricted Areas) (No. 13)**, 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. 13)**, 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. 14)**; 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 breast milk; 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 25 km from the premises where the person ordinarily resides; or
  - (ii) deceased relative (including a de facto partner) 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:
    - (iii) any other person (or people) who ordinarily resides at the same premises as that person; or
    - (iv) 9 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
- (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
- (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.

*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.*

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

*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; or

(B) Years 8 to 10, but only on and from 26 October 2020; or

(v) is enrolled in a special school in either the Restricted Area or the 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. 5)**; or

*Note: relevant restrictions are also imposed on schools and educational facilities in the Relevant Area under the **Restricted Activity Directions (Non-Melbourne) (No. 8)**.*

(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 nine 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. 13)**.

*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 25 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 requiring the use of a facility must comply with the **Restricted Activity Directions (Restricted Areas) (No. 13)**. 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 nine 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:
  - (a) social interaction permitted in accordance with clause 11(2)(c)(iii); or
  - (b) exercise or social interaction outdoors in accordance with subclauses (2) and (3) respectively.

*Note 1: 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. 5) provides that a person who ordinarily resides in the Relevant Area may not enter the Restricted Area for this purpose either.*

*Note 2: a nominee person or a nominated person may travel to the premises of their nominated person or nominee person (as applicable) for exercise or social interaction outdoors permitted under subclause 6(b) within 25 km of either of those premises.*

- (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 approved emergency preparation activities (together with any other person or people who ordinarily reside with them or any immediate family member); or
  - (b) for emergency purposes (other than emergency preparation activities); or
  - (c) as required or authorised by law; or
  - (d) 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
  - (e) to attend a **place of worship**, if that place of worship is operating in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 13)**; or
  - (f) to attend a **community facility**, which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Restricted Areas) (No. 13)**; or
  - (g) 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.*

- (h) 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 25 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.
- (i) 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
- (j) for purposes relating to, or associated with, **dealing with residential property**, in accordance with any requirements in the **Restricted Activity Directions (Restricted Areas) (No. 13)**, 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 residential property or display home inspection, or attend a residential property outdoor auction, provided that the person must not travel outside the Restricted Area for these purposes; 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.*
- (k) for the purposes of:
  - (i) receiving services related to property settlements or commencement or ending of leases in accordance with the Directions currently in force in relation to commercial property; or
  - (ii) attending a commercial property inspection or outdoor auction in accordance with any requirements in the **Restricted Activity Directions (Restricted Areas) (No. 13)**, provided that the person must not travel outside the Restricted Area for these purposes; or
- (l) for the purposes of moving to a new premises at which the person will ordinarily reside; or
- (m) if the person ordinarily resides outside Victoria, for the purposes of leaving Victoria; or
- (n) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
- (o) 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. 13)**, 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 (other than emergency maintenance or emergency preparation activities); 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), (3) and (6); 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 10 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), provided that if it is for approved emergency preparation activities it is only with any other person (or other people) who ordinarily reside at the same premises or any immediate family member.

*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. 13)**.*

*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. 5)**.*

- (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 13)**.*

*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 5)**.*

- (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. 14)**, 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 Chief Health Officer, setting out the **Restricted Area**;
- (2) **approved emergency preparation activities** means **emergency preparation activities** that are the subject of an applicable **emergency preparation activities approval**;
- (3) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (4) **care facility** has the same meaning as in the **Care Facilities Directions (No. 14)**;
- (5) **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;
- (6) **community facility** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne) (No. 8)**;
- (7) **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);
- (8) **density quotient** has the same meaning as in the **Workplace Directions (No. 7)**;
- (9) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (10) **Directions currently in force** has the same meaning as in the **Area Directions (No. 9)**;
- (11) **emergency preparation activities** means activities related to emergency preparedness in a municipal district in either the **Restricted Area** or the **Relevant Area**;

- (12) **emergency preparation activities approval** means an approval in writing, including any conditions imposed by that approval, issued by a local council to undertake **emergency preparation activities** within the municipal district for which that local council is responsible;
- (13) **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));
- (14) **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);
- (15) **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;
- (16) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 13)**;
- (17) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;
- (18) **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;
- (19) **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**;
- (20) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (21) **nominated person** means a person nominated by a **nominee person** for social interaction permitted in accordance with these directions;
- (22) **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;
- (23) **outdoor space** means a space that is not an **indoor space**;
- (24) **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. 13)** available at: [www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19](http://www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19) as amended from time to time by the Victorian Government; or

- (b) in the **Restricted Area** where they are a final year student but need to access onsite teaching, assessment or placements prior to 26 October 2020 if they would not otherwise be able to graduate by the end of January 2021; or
  - (c) in the Restricted Area where they are a final year apprenticeship student whose training contracts end by 31 December 2020 but need to access onsite practical training and assessment; or
- (25) **Permitted Work Premises** means the ‘Permitted Work Premises’ for the purposes of the **Restricted Activity Directions (Restricted Areas) (No. 13)** available at: [www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19](http://www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19) as amended from time to time by the Victorian Government;
- (26) **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)**;
- (27) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 7)**;
- (28) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (29) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (30) **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;
- (31) **prison** has the same meaning as in the **Corrections Act 1986**;
- (32) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (33) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (34) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (35) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (36) **Restricted Area** has the same meaning as in the **Area Directions (No. 9)**;
- (37) **retail facility** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne) (No. 8)**;
- (38) **seasonal worker** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions (No. 9)**;
- (39) **seasonal worker accommodation** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions (No. 9)**;
- (40) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (41) **stay at home period** has the meaning in clause 4;
- (42) **vehicle** has the same meaning as in the PHW Act;
- (43) **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;



- (44) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (45) **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 18 October 2020

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

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**Public Health and Wellbeing Act 2008**

## Section 200

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

## Stay Safe Directions (Non-Melbourne) (No. 5)

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. 4)** to permit people to visit others for limited social gatherings and undertake **approved emergency preparation activities**.

**2 Citation**

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

**3 Revocation**

The **Stay Safe Directions (Non-Melbourne) (No. 4)** are revoked at 11:59:00 pm on 18 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 18 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. 8)**; and
  - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Non-Melbourne) (No. 8)** 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, available at: [www.dhhs.vic.gov.au/staying-safe-covid-19](http://www.dhhs.vic.gov.au/staying-safe-covid-19).*

*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 to attend a residential or commercial property inspection or auction in the Restricted Area under clause 10(1)(j)(i), (ii) or (k),

of, and provided they comply with the requirements set out in, the **Stay at Home Directions (Restricted Areas) (No. 19)**.

- (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. 19)** and the **Restricted Activity Directions (Restricted Areas) (No. 13)** 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 approved emergency preparation activities (together with any other person or people who ordinarily reside with them or any immediate family member), provided they are in accordance with the Directions currently in force and the **emergency preparation activities approval** which applies to those activities or that person; or

- (e) for emergency purposes (other than emergency maintenance or emergency preparation activities); or
- (f) 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. 19)** 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. For further information, please refer to the Department of Health and Human Services' guidelines available at: [www.dhhs.vic.gov.au/face-masks-vic-covid-19](http://www.dhhs.vic.gov.au/face-masks-vic-covid-19).*

- (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 sports person when training or competing; or
- (m) the person is engaged in any strenuous physical exercise; or  
*Examples: jogging, running.*
- (n) the person is travelling in a **vehicle** by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (o) the person is riding a bicycle or motorcycle; or
- (p) the person is consuming food, drink or medicine; or
- (q) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (r) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (s) the person is 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. 8)**, 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 (other than emergency maintenance or emergency preparation activities, unless another exception under this subclause (12) applies); 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 either the Relevant Area or the Restricted Area; 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. 19)**; 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. 19)**,
 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 visiting for a social gathering, 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 one other persons who is visiting for a social gathering; and
  - (iii) any infant under one year of age of a person visiting for a social gathering; and
  - (iv) any child or dependant permitted to accompany a person in accordance with subclause (3),

and provided that the premises does not have more than two visitors for a social gathering each day; or

*Note 1: under subclause (h), only 2 people may visit for a social gathering each day, with any infant under one year of age and any child or dependant permitted to accompany such people under subclause (3) not counting towards this limit.*

*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. 19)** provides that a person who ordinarily resides in the Restricted Area may not enter the Relevant Area for this purpose either.*

*Note 3: if a person was part of a household bubble under the **Stay Safe Directions (Non-Melbourne) (No. 4)**, that system has now ended.*

- (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. 8)**; 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 (other than emergency maintenance or emergency preparation activities); 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. 14)**. 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, guardian or carer of a child or dependant, and they cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependent unattended so that they can enter the premises in accordance with subclause (2) without the child or dependant, then the child or dependant 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. 19)**.

*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 19 other persons plus one faith leader, provided they comply with any requirements of the **Restricted Activity Directions (Non-Melbourne) (No. 8)**; 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. 8)**; or
    - (ii) to attend or undertake work or education services in accordance with clause 6; or
    - (iii) medical or emergency purposes (other than emergency maintenance or emergency preparation activities); 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. 8)**.*

*Note 2: the requirements for a wedding held in the Restricted Area are set out in the **Stay at Home Directions (Restricted Areas) (No. 19)**.*

- (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. 8)**.*

*Note 2: the requirements for a funeral held in the Restricted Area are set out in the **Stay at Home Directions (Restricted Areas) (No. 19)**.*

- (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. 14)**, 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 Chief Health Officer, setting out the **Restricted Area**;
- (2) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (3) **approved emergency preparation activities** means **emergency preparation activities** that are the subject of an applicable **emergency preparation activities approval**;
- (4) **care facility** has the same meaning as in the **Care Facilities Directions (No. 14)**;
- (5) **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;
- (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) **emergency preparation activities** means activities related to emergency preparedness in a municipal district in the **Restricted Area**;
- (10) **emergency preparation activities approval** means an approval in writing, including any conditions imposed by that approval, issued by a local council to undertake **emergency preparation activities** within the municipal district for which that local council is responsible;

- (11) **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));
- (12) **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);
- (13) **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;
- (14) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are permanent structures rising either from floor to ceiling or are at least 2.1 metres high, 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) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (17) **outdoor space** means a space that is not an **indoor space**;
- (18) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 7)**;
- (19) **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;
- (20) **prison** has the same meaning as in the **Corrections Act 1986**;
- (21) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (22) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (23) **Relevant Area** has the meaning in clause 1(2);
- (24) **Restricted Area** has the same meaning as in the **Area Directions (No. 9)**;
- (25) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (26) **stay safe period** has the meaning in clause 4;
- (27) **vehicle** has the same meaning as in the PHW Act;
- (28) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (29) **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 18 October 2020

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

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**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH  
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Restricted Activity Directions (Restricted Areas) (No. 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 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. 12)** restricting activities in areas of Victoria, and provide circumstances in which:
  - (a) certain outdoor physical recreational facilities are permitted to operate; and
  - (b) a **hydrotherapy pool** or swimming pool facility is permitted to operate for the purposes of the provision of hydrotherapy services; and
  - (c) an inspection by members of the public for the purposes of a prospective sale or rental of commercial real estate and an auction for the sale of commercial real estate are permitted; and
  - (d) an arena or stadium is permitted to operate for the exclusive purpose of providing a venue for a professional sporting event; and
  - (e) a **hairdressing facility** is permitted to operate.

**2 Citation**

These directions may be referred to as the **Restricted Activity Directions (Restricted Areas) (No. 13)**.

**3 Revocation**

The **Restricted Activity Directions (Restricted Areas) (No. 12)** are revoked at 11:59:00 pm on 18 October 2020.

**4 Restricted activity period**

The **restricted activity period** is the period beginning at 11:59:00 pm on 18 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. 13)** available at [www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19](http://www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19) as amended from time to time by the Victorian Government, the **Permitted Worker Permit Scheme Directions (No. 7)**, the **Workplace (Additional Industry Obligations) Directions (No. 9)** 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 facility 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 – physical recreational facility used for outdoor sport or physical recreation*

(1A) A person who owns, controls or operates a physical recreational facility that is a facility used predominantly for outdoor sport or physical recreation in the Restricted Area may operate that facility for the purpose of outdoor sport or physical recreation if:

- (a) only the minimum number of employees or agents of the person necessary to safely operate the facility are present at the facility to operate the facility; and
- (b) its services are provided in an **outdoor space**; and
- (c) members of the public are only permitted to participate in an outdoor sport or a physical recreation activity that is **non-contact**; and
- (d) the number of members of the public to whom its services are provided is:
  - (i) not more than 10, from no more than 2 ordinary places of residence, in a 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 not more than 10 members of the public in total at the facility at any one time, except where a distance of at least 100 metres between groups can be maintained at all times; and

*Example: at a golf course, there may be multiple groups of 10 people (consisting of persons from no more than 2 ordinary places of residence), provided that there is a distance of at least 100 metres between all groups can be maintained at all times.*

- (e) 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
- (f) no access is permitted to indoor facilities other than toilet facilities; and

*Examples: a golf or tennis club may operate to permit outside golf or tennis, although change rooms, club rooms and indoor sitting areas are to remain closed, other than to provide access to toilet facilities.*

- (g) no equipment is made available by the facility for hire, or for communal or shared use; and

*Example: an outdoor artificial rock climbing or bouldering wall is not permitted to be operated as the wall is for communal or shared use by more than one person.*

- (h) the person does not permit a food and drink facility to operate at the facility; and
- (i) the person complies with the record keeping requirement.

*Note: a person is not permitted to travel further than 25 km from their premises to access a physical recreational facility for outdoor sport or physical recreation as a person is not permitted to travel further than 25 km from their premises for exercise or to travel, as a permitted worker, further than 25 km from their workplace for exercise, under clause 5(1AB) of the **Stay at Home Directions (Restricted Areas) (No. 19)**.*

*Permitted operations – physical recreational facility for 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 or maintenance 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 – arena or stadium for professional sport event*

(2A) A person who owns, controls or operates an arena or a stadium in the Restricted Area may operate that facility if it is operated for the exclusive purpose of providing a venue for a professional sporting event if they:

- (a) only permit a person to attend the facility if the person is necessary for the management or maintenance of the facility, the conduct of such an event or the broadcasting of such an event; and

*Examples: only those persons necessary and employed or engaged in the management or maintenance of the facility, the conduct of the event or the broadcasting of the event are permitted to attend a professional sports event.*

*Note: spectators are not necessary and are not permitted to attend a professional sporting event.*

- (b) have a **COVIDSafe Plan** in place for the facility that is published on the organisation's Internet site prior to the first opening of the facility; and

*Note: the COVIDSafe Plan for the facility will address venue caps, access to and use of indoor and outdoor spaces, the operation of any food and drink facilities, physical distancing requirements and any equipment made available by the facility for hire or for shared use.*

- (c) comply with:
  - (i) the signage requirement for each indoor space; and
  - (ii) the cleaning requirement; and
  - (iii) the records requirement; and
- (d) 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 – personal training facility for 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. 19)**.



*Permitted operations – outdoor swimming pool or chlorinated spa at non-residential premises for exercise*

- (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) 30 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 pool for workplace or educational purposes*

- (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 – non-residential swimming pool or hydrotherapy pool for hydrotherapy services*

- (7A) A person who owns, controls or operates a swimming pool or a hydrotherapy pool at a non-residential premises in the Restricted Area may operate that facility for the purpose of the provision of hydrotherapy services to members of the public at the facility if the person ensures that:
- (a) no access is permitted to saunas within the facility; and
  - (b) any member of the public accessing hydrotherapy services is accompanied by:
    - (i) a health worker; and
    - (ii) a carer, parent or guardian (if required); and

- (c) no group hydrotherapy services are permitted; and
  - (d) the number of persons permitted at any one time in any water or non-water part of the facility is the lesser of:
    - (i) 10 in any pool; and
    - (ii) in respect of the water and non-water parts of the facility, the number that is the number calculated by dividing the total accessible space (measured in square metres) by 8; and
- Note: the limits on persons under paragraph (d) apply to all persons, including members of the public accessing hydrotherapy services and any other person, such as a health worker, accompanying them.*
- (e) 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; and
  - (f) the person complies with:
    - (i) the signage requirement for each indoor space and each outdoor space; and
    - (ii) the cleaning requirement; and
    - (iii) the records requirement.

*Permitted operations – place of worship for outdoor 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 – schools or 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) 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 **real estate** or a display home for the purposes of a prospective sale or rental of 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 estate agent are:
  - (A) for an inspection of **commercial property**, up to 2 persons who are jointly, or jointly represent, the prospective purchaser or tenant; and
  - (B) for an inspection of a **residential property**, the prospective purchaser or tenant and:
    - 1. the intimate partner of the prospective purchaser or tenant or one person who ordinarily resides with the prospective purchaser or tenant; and
    - 2. any child or dependant to whom the prospective purchaser or tenant is a parent, guardian or carer, if the prospective purchaser or tenant cannot access alternative care arrangements (whether on a paid or voluntary basis) to care for the child or dependant; or
- (b) access to real estate or a display home for marketing purposes for the prospective sale or rental of property if only one person is permitted to attend the property in addition to the estate agent; or  
*Examples: a photographer, videographer or stylist.*
- (c) an auction to take place for the sale of real estate, only if:
  - (i) that auction is to be conducted in an outdoor space and attended in person by no more than 10 members of the public (excluding the owners or residents of the property and the minimum number of persons required to conduct the auction), whether or not other members of the public also attend remotely; and
  - (ii) the estate agent complies with the records requirement.
- (14) An estate agent that arranges an inspection or access to real estate under subclause (13) must ensure that:
  - (a) the estate agent confirms prior to the inspection or access that all attendees and occupiers of the 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 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. 19).*
  - (c) the property is well ventilated; and  
*Example: an estate agent may open external and internal doors and windows to ensure a property is well ventilated.*
  - (d) the estate agent complies with:
    - (i) the cleaning requirement; and
    - (ii) the density quotient; and
    - (iii) the records requirement.

*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. 19).*

*Permitted operations – hairdressing facilities*

- (15) A person who owns, controls or operates a hairdressing facility in the Restricted Area may operate that facility if:
- (a) where the hairdressing facility is located in a residential premises:
    - (i) the hairdressing facility does not share any points of access to or facilities with the residential premises (including toilet or kitchen facilities); and
    - (ii) the hairdressing facility is located in a discrete area of the residential premises and the hairdressing services are provided in that facility; and
    - (iii) no access is permitted to any other part of the residential premises (including toilet and kitchen facilities); and
  - (b) the hairdressing facility is not located in a **care facility**;
  - (c) the person does not provide hairdressing services in a care facility;
  - (d) the person does not provide hairdressing services which require the person to travel to and enter residential premises; and
 

*Note: a person may operate a hairdressing facility from a vehicle to provide mobile hairdressing services, provided the person does not enter residential premises.*
  - (e) the person only provides hairdressing services where the client can wear a face covering for the duration of the services; and
 

*Note: hairdressing services such as 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.*
  - (f) the person 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.

**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) **Area Directions (No. 9)** means the directions issued by the Chief Health Officer, setting out the **Restricted Area**;
- (2) **2019-nCoV Symptoms** has the same meaning as in the **Workplace Directions (No. 7)**;
- (3) **care facility** has the same meaning as in the **Care Facilities Directions (No. 14)**;
- (4) **childcare facility** means a facility providing a **childcare or early childhood service**;
- (5) **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;

- (6) **cleaning requirement** has the same meaning as in the **Workplace Directions (No. 7)**;
- (7) **Closed Work Premises** means a **Work Premises** that is not a **Permitted Work Premises**;
- (8) **commercial real estate** has its ordinary meaning;
- (9) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions (No. 7)**;
- (10) **density quotient** has the same meaning as in the **Workplace Directions (No. 7)**;
- (11) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (12) **Directions currently in force** has the same meaning as in the **Area Directions (No. 9)**;
- (13) **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;
- (14) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (15) **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;
- (16) **hairdressing** has the same meaning as in the PHW Act;
- (17) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the PHW Act;
- (18) **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;
- (19) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation services;
- (20) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or wall or any part of them are open or closed;
- (21) **member of the public** is a person but does not include:
  - (a) a person who is an employee of an operator of the facility or venue; or
  - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (22) **non-contact**, in relation to an activity or a sport or a physical recreation activity, means an activity, sport or physical recreation activity that is reasonably capable of being undertaken with participants maintaining a distance of 1.5 metres from each other;
- (23) **outdoor space** means a space that is not an **indoor space**;
- (24) **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. 13)** available at: [www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19](http://www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19) as amended from time to time by the Victorian Government; or
  - (b) in the **Restricted Area** where they are a final year student who requires access to in-person teaching, assessment or work placements in order to graduate by the end of January 2021; or
  - (c) in the **Restricted Area** where they are a final year apprenticeship student whose training contract ends by 31 December 2020 and needs to access onsite practical training and assessment;
- (25) **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. 13)** available at [www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19](http://www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19) as amended from time to time by the Victorian Government;
- (26) **Permitted Work Premises** means the ‘Permitted Work Premises’ for the purposes of the **Restricted Activity Directions (Restricted Areas) (No. 13)** available at: [www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19](http://www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19) as amended from time to time by the Victorian Government;
- (27) **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)**;
- (28) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 7)**;
- (29) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (30) **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: outdoor golf club, outdoor tennis club, outdoor basketball court, outdoor go kart track, outdoor rifle range, outdoor equestrian centre, outdoor mini golf, outdoor paint ball, lawn bowling, outdoor bocce, water skiing.*
  - (c) a **personal training facility**;
  - (d) a **play centre**;
  - (e) a skatepark;
  - (f) a trampolining centre;
  - (g) an arena;
  - (h) a stadium;
- but does not include:
- (i) a skatepark in an **outdoor space**; or
  - (j) outdoor communal exercise equipment; or
  - (k) a swimming pool.
- Note: a skatepark in an outdoor space and outdoor communal exercise equipment can be used.*
- (31) **place of worship** has the same meaning as in the **Heritage Act 2017**;

- (32) **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**;
- (33) **playground** means publicly accessible outdoor play equipment in a public park;
- (34) **premises** has the same meaning as in the PHW Act;
- (35) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (36) **records requirement** has the same meaning as in the **Workplace Directions (No. 7)**;
- (37) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (38) **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;
- (39) **religious practitioner** has the same meaning as subsection 995-1(1) of the **Income Tax Assessment Act 1997** of the Commonwealth;
- (40) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (41) **restricted activity period** has the meaning in clause 4;
- (42) **Restricted Area** has the same meaning as in the **Area Directions (No. 9)**;
- (43) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (44) **signage requirement** has the same meaning as in the **Workplace Directions (No. 7)**;
- (45) **vehicle** has the same meaning as in the PHW Act;
- (46) **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;
- (47) **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 18 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. 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 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. 7)** restricting activities in areas of Victoria, and provide for circumstances in which:
  - (a) a library (including a toy library) is permitted to operate; and
  - (b) outdoor religious gatherings or ceremonies are permitted to be conducted with 20 members of the public; and
  - (c) a food and drink facility in the Relevant Area other than in the **municipal district** of the City of Greater Shepparton may provide service to up to 40 patrons for indoor dining; and
  - (d) a food and drink facility in the Relevant Area may provide service to up to 70 patrons for outdoor dining; and
  - (e) an indoor swimming pool facility is permitted to be operated for use by members of the public aged under 18 years; and
  - (f) a **hydrotherapy pool** or swimming pool facility is permitted to operate for the purpose of hydrotherapy services.

**2 Citation**

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

**3 Revocation**

The **Restricted Activity Directions (Non-Melbourne) (No. 7)** are revoked at 11:59:00 pm on 18 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 18 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; or
- (i) a swimming pool.

*Note: a skatepark or trampolining centre in an outdoor space and 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 a 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) in accordance with subclause (7); or
  - (f) conducting activities in an outdoor space, subject to the public gathering limits in the **Stay Safe Directions (Non-Melbourne) (No. 5)**, 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. 5)**; 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.

*Restrictions – public library and toy library*

- (7) A person who operates a facility under subclause (1)(e) 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) 10; and
  - (b) limit the total number of members of the public in the facility at any one time to the lesser of:
    - (i) 20; and
    - (ii) the aggregate number permitted by the density quotient for each indoor space in the facility; and
  - (c) comply with:
    - (i) the signage requirement for each indoor space; and
    - (ii) the cleaning requirement; and
    - (iii) the records requirement.

**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.
- (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
  - (d) 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. 5)**; 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. 5)**; or

*Note: the **Stay Safe Directions (Non-Melbourne) (No. 5)** 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 20 members of the public are permitted to attend each religious gathering or ceremony; and
  - (b) in addition to the maximum of 20 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) subject to subparagraph (iii), up to 2 other persons; and
    - (iii) if a person permitted to attend the place of worship under subparagraph (ii) is a carer, parent or guardian of a child or dependant, and they cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependent unattended so that they can attend the place of worship in accordance with subparagraph (ii) without the child or dependant, then the child or dependant may accompany that person when attending the place of worship in accordance with subparagraph (ii).
- (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 (with any infant under one year of age not counting in these limits):

- (iii) subject to subparagraph (iv), if the facility is in the Relevant Area, 40 persons; or
- (iv) if the facility is in the municipal district of the City of Greater Shepparton, 20 persons; 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) 70; 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 70 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 dining members of the public are at least 1.5 metres from other dining groups and dining members of the public when seated (including dining groups at other facilities); and  
*Note: the person should also ensure that dining members of the public are at least 1.5 metres from members of the public being provided with food or drink to be consumed off the premises.*
- (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: paragraph (a) 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) up to 2 other persons; and
      - (C) if a person described in sub-subparagraph (B) is a carer, parent or guardian of a child or dependant, and they cannot access any alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependent unattended so that they can use the accommodation facility without the child or dependant, then the child or dependant may accompany that person when using the accommodation facility.
  - (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:

- (iii) persons who ordinarily reside in the same premises or are in an intimate personal relationship with each other; or
- (iv) 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, hydrotherapy pools and chlorinated spas**

- (1) A person who owns, controls or operates premises in the Relevant Area at which there is a swimming pool, hydrotherapy pool or chlorinated spa may only operate the swimming pool, hydrotherapy 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 – swimming pool at a non-residential premises for 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 pool at non-residential premises*

- (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 is 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; and

*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.*

- (d) all reasonable endeavours are used to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility
- (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 not permit the admission of spectators to the facility.

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



- (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 – swimming pool at non-residential premises for educational or workplace purposes*

- (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) 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 – indoor swimming pool at non-residential premises for recreational use*

- (10) A person who owns, controls or operates an indoor swimming pool (which may include a chlorinated spa) at a non-residential premises in the Relevant Area may operate that facility for the recreational use (including swimming lessons) of members of the public aged 18 years and under if the person:

- (a) ensures that no access is permitted to saunas within the facility; and
- (b) ensures that to the extent the swimming pool is used:
  - (i) by a child or infant who is unable to swim independently or is otherwise required to be supervised by a carer, parent or guardian, only one carer, parent or guardian is permitted to enter the facility and the swimming pool with that child or infant; or
  - (ii) by a child who is able to swim independently, only one carer, parent or guardian is permitted to enter the facility to supervise the child; and

*Note: If the person entering the facility under paragraph (b) is a carer, parent or guardian of any other child or dependant, and they cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave the child or dependant unattended so that they can enter the facility in accordance with paragraph (b) without such child or dependant, then the child or dependant may accompany that person when entering the facility in accordance with paragraph (b).*

- (c) ensures that the number of:
  - (i) members of the public that is permitted at any one time in any swimming pool or chlorinated spa at the facility is the lesser of:
    - (A) 20; and
    - (B) in respect of the space of the swimming pool or chlorinated spa, the number permitted by the density quotient; and
  - (ii) members of the public other than those members of the public permitted to enter the facility under paragraph (b) as a supervising carer, parent or guardian that is permitted at any one time in any non-water part of the facility is the lesser of:
    - (A) 20; and
    - (B) in respect of the non-water parts of the facility, the number permitted by the density quotient; and

*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: the relevant density quotient applicable is one person per every 4 square metres.*

- (d) 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; and
- (e) complies with:
  - (i) the signage requirement for each indoor space and each outdoor space; and
  - (ii) the cleaning requirement; and
  - (iii) the records requirement.

*Permitted operations – swimming pool or hydrotherapy pool at non-residential premises for hydrotherapy services*

(11) A person who owns, controls or operates a swimming pool or a hydrotherapy pool at a non-residential premises in the Relevant Area may operate that facility for the purpose of hydrotherapy services to members of the public at the facility if the person ensures that:

- (a) no access is permitted to saunas within the facility; and  
*Note: access is permitted to change rooms and toilet facilities.*
- (b) any member of the public accessing hydrotherapy services is accompanied by:
  - (i) a health worker; and
  - (ii) a carer, parent or guardian (if required); and
- (c) no group hydrotherapy services are permitted; and
- (d) the number of persons permitted at any one time in any water or non-water part of the facility is the lesser of:
  - (i) 10 in any pool; and
  - (ii) in respect of the water and non-water parts of the facility, the number that is the number calculated by dividing the total accessible space (measured in square metres) by 8; and

*Note: the limits on persons under paragraph (d) apply to all persons, including members of the public accessing hydrotherapy services and any person, such as a health worker, accompanying them.*

- (e) 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; and
- (f) the person complies with:
  - (i) the signage requirement for each indoor space and each outdoor space; and
  - (ii) the cleaning requirement; and
  - (iii) the records requirement.

### 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. 5)**; 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 and the minimum number of persons required to conduct the auction), whether or not other members of the public also attend remotely; or
  - (b) an inspection by members of the public of real estate for the purposes of a prospective sale or rental of the property, if arranged by private appointment and such private appointment complies with the restrictions on public gatherings in the **Stay Safe Directions (Non-Melbourne) (No. 5)**.
- (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)(ii)(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
  - (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.

*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.*

#### *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 1: 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 otherwise permitted to socially gather together in accordance with clause 7(2)(h) of the Stay Safe Directions (Non-Melbourne) (No. 5).*

*Note 2: licensed tourism services that use open-air vehicles are permitted to operate. A vehicle, inclusive of vehicles that have a roof, is considered to be an open-air vehicle if at least 2 sides of the vehicle are open to airflow at all times.*

(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. 5)**.

(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. 5)**, 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. 19)**, 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 carer, 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. 19)**.*

*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 Chief Health Officer, setting out the **Restricted Area**;
- (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) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the PHW Act;
- (34) **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;
- (35) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 13)**;

- (36) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (37) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;
- (38) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (39) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (40) **licensed premises** has the meaning in clause 5(2);
- (41) **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**;
- (42) **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;
- (43) **market** means a public market, whether indoor or outdoor, including a food market;
- (44) **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;
- (45) **municipal district** has the same meaning as in the **Local Government Act 1989**;
- (46) **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**;
- (47) **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;
- (48) **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.*
- (49) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (50) **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;
- (51) **outdoor space** means a space that is not an **indoor space**;
- (52) **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. 13)** available at: [www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19](http://www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19) as amended from time to time by the Victorian Government; or
  - (b) in the **Restricted Area** where they are a final year student who requires access to in-person teaching, assessment or work placements in order to graduate by the end of January 2021; or
  - (c) in the **Restricted Area** where they are a final year apprenticeship student whose training contract ends by 31 December 2020 and needs to access onsite practical training and assessment;
- (53) **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)**;
- (54) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 7)**;
- (55) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (56) **physical recreational facility** has the meaning in clause 6(2);
- (57) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (58) **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;
- (59) **playground** means publicly accessible outdoor play equipment in a public park;
- (60) **premises** has the same meaning as in the PHW Act;
- (61) **producer’s licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (62) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (63) **records requirement** has the same meaning as in the **Workplace Directions (No. 7)**;
- (64) **Relevant Area** has the meaning in clause 1(2);
- (65) **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;
- (66) **religious practitioner** has the same meaning as subsection 995-1(1) of the **Income Tax Assessment Act 1997** of the Commonwealth;
- (67) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No. 13)**;
- (68) **restricted activity period** has the meaning in clause 4;
- (69) **Restricted Area** has the same meaning as in the **Area Directions (No. 9)**;
- (70) **restricted area requirement** has the meaning in clause 16B;
- (71) **restricted retail facility** has the meaning in clause 9(2);
- (72) **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;
- (73) **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;

- (74) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (75) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (76) **seated outdoor space** means an **outdoor space** with fixed seating;
- (77) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (78) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (79) **sexually explicit entertainment venue** means a venue at which **sexually explicit entertainment** is provided;
- (80) **signage requirement** has the same meaning as in the **Workplace Directions (No. 7)**;
- (81) **vehicle** has the same meaning as in the PHW Act;
- (82) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (83) **Work Premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (84) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

## 18 Penalties

Section 203 of the PHW Act provides:

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

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

Dated 18 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. 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)(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. 8)** and:
  - (a) clarify the obligations of employers and labour hire providers in relation to seasonal horticultural workers; and
  - (b) impose obligations on employers in relation to Work Premises that are **care facilities**.

**2 Citation**

- (1) These directions may be referred to as the **Workplace (Additional Industry Obligations) Directions (No. 9)**.
- (2) The **Workplace (Additional Industry Obligations) Directions (No. 8)** are revoked at 11:59:00 pm on 18 October 2020.

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

These directions commence at 11:59:00 pm on 18 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**;
- (k) horticulture operations using **seasonal workers for seasonal horticultural work**; and
- (l) **care facilities**.

*Note: each of these industries is described in the document titled 'Permitted Work Premises' for the purposes of the **Restricted Activity Directions (Restricted Area) (No. 13)** available at: [www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19](http://www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19) (as amended from time to time by the Victorian Government) in the following categories in square brackets:*

- *Poultry processing facilities [Manufacturing];*
- *Abattoirs and meat processing [Manufacturing];*
- *Seafood processing [Manufacturing];*
- *Supermarket 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];*
- *Care facilities [Health care and social assistance].*

*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, horticulture operations using seasonal workers for seasonal horticultural work, and care facilities, anywhere in Victoria; and
  - (b) in relation to all other Additional Obligation Industries not referred to in subclause (2)(a), in the **Restricted Area**.
- (3) The limits on the number of workers at a Work Premises imposed in these directions apply in relation to roles carried out by a worker at the Work Premises including (but not limited to):
  - (a) owner;
  - (b) manager;
  - (c) persons carrying out roles necessary to the functioning of the Work Premises;
  - (d) security personnel;
  - (e) any other person engaged or permitted by an employer to perform work at the Work Premises,

but does not apply insofar as it relates to workers:

- (f) where it is **reasonably practicable** for those workers to work from home; or

*Note: clause 6 of the **Workplace Directions (No. 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 1: 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.

Note 2: a High Risk COVIDSafe Plan in relation to seasonal horticultural workers will be called a Seasonal Horticultural Worker COVIDSafe Plan.

- (1A) This clause 6 does not apply to care facilities, except for subclauses (5) and (5A).  
*Note: the exception of care facilities from the requirements in clause 6 (other than in subclauses (5) and (5A)) does not exempt care facilities from satisfying equivalent requirements imposed under other regulatory arrangements.*
- (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 and care 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) is not currently required to **self-isolate** or **self-quarantine** in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 12)**.

*Note: the exception of care facilities from the requirements in clause 7(1) does not exempt care facilities from satisfying equivalent requirements imposed under other regulatory arrangements.*

- (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)**) and care facilities) must increase the regularity of comprehensive cleaning by ensuring all areas where workers are working are cleaned at least daily.

*Note: the exception of care facilities from the requirements in subclause (3) does not exempt care facilities from satisfying equivalent requirements imposed under other regulatory arrangements.*

*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. 19)** or the **Stay Safe Directions (Non-Melbourne) (No. 5)** (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. 13)** available at: [www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19](http://www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19) as amended from time to time by the Victorian Government);



- (e) an employer must limit movement of all workers (including, but not limited to, supervisors and on-site specialists) between multiple Work Premises that are construction sites, except in relation to:
  - (i) supervisors on **small-scale construction sites** who can move between multiple small-scale construction sites; or
  - (ii) **specialist contractors** who can move between up to 5 construction sites per week; or
  - (iii) specialists who provide safety services; or
  - (iv) those required to meet minimum statutory obligations or requirements (for example, auditors, building inspectors or surveyors).

*Small-scale construction sites*

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

*Early stage land development sites*

- (35) An **early stage land development site** comprises all civil works undertaken on open air, large greenfield sites that are associated with, and preparatory to, construction of multiple individual residential dwellings or industrial or commercial development on that site (including, but not limited to, site remediation and site preparation works, construction of utilities and construction of roads, bridges, stormwater/flood management works and trunk infrastructure).
- (36) An employer may only operate a Work Premises that is an early stage land development site if there are 20 workers (or fewer) per hectare on the Work Premises at any one time.
- (37) For an early stage land development site that is:
  - (a) a residential development, once subdivision occurs, the construction of a dwelling on that part of the early stage land development site will be considered a small-scale construction site; and
  - (b) a large-scale residential development (for example, a retirement village) with a single entity responsible for construction, once construction of dwellings has commenced it will be considered a large-scale construction site,for the purposes of these directions.
- (38) In relation to an early stage land development site that is an industrial or commercial development, once construction of a building, warehouse or physical structure has commenced it will be considered a large-scale construction site for the purposes of these directions.

*Large-scale construction sites*

- (39) A construction site is a **large-scale construction site** if it is:
  - (a) for construction of a building where a planning permit has been issued in relation to the site for a building that is greater than three storeys tall (excluding basement level(s)); or
  - (b) the site size is more than 1,500 m<sup>2</sup> floor size (inclusive of all floors); or
  - (c) for construction of a premises that is predominantly for office use, or that is the internal fit-out of a retail premises; or
  - (d) for construction of a premises that is predominantly for industrial or large format retail use; or
  - (e) deemed to be so under subclause (37)(b) or (38).

- (40) The **baseline daily workforce** for a large-scale construction site is calculated based on the daily average number of workers on the large-scale construction site across the project lifecycle as derived from the large-scale construction site's resourcing plan as of 31 July 2020.
- (41) The project lifecycle commences from the date of on-site mobilisation and ends at handover.
- (42) An employer must not operate a large-scale construction site in excess of 85 percent of the baseline daily workforce or 15 workers, whichever is higher.

#### *Retail facilities*

- (43) An employer may only operate a Work Premises that is a retail facility:
- (a) for the purposes of fulfilling online orders; and
  - (b) if it reduces each of its daily peak workforce capacity and daily total workforce capacity by 33 percent.
- (44) If there is any inconsistency between subclause (43) and the **Restricted Activity Directions (Restricted Areas) (No. 13)** or the **Restricted Activity Directions (Non-Melbourne) (No. 8)** (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) and (53) 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 meeting 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) separate 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 Seasonal Horticultural Worker COVIDSafe 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 **face coverings** 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 **face covering** 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 Seasonal Horticultural Worker 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 the attachment to their Seasonal Horticultural Worker 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)**,
- having regard to 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 Seasonal Horticultural Worker COVIDSafe plan in accordance with the requirements of subclause (66).
- (66) Where the employer or labour hire provider provides seasonal worker transport to a seasonal worker, they must specify in the attachment to their Seasonal Horticultural Worker 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,
- having regard to guidance produced by Department of Jobs, Precincts and Regions and Department of Health and Human Services.

*Care facilities*

- (67) An employer in relation to a Work Premises that is a care facility in Victoria must require **care facility workers** in relation to the care facility to declare in writing at the start of each shift that the worker:
- (a) is free of 2019-nCoV Symptoms; and
  - (b) has, in the preceding 14 days, not been in contact with a confirmed case (except in the course of their duties while wearing appropriate personal protective equipment); and
  - (c) is not currently required to self-isolate or self-quarantine under the **Diagnosed Persons and Close Contacts Directions (No. 12)**; and
- (68) An employer in relation to a Work Premises that is a care facility in Victoria must:
- (a) carry out surveillance testing for 2019-nCoV on its **employees** and contractors in relation to the care facility where directed by the Chief Health Officer or their delegate, and in accordance with the requirements of the Department of Health and Human Services; and
- Note: the Department of Health and Human Services may set different surveillance testing requirements for different care facilities (e.g. based on the type of facility, or location), depending on associated levels of risk.*
- (b) keep records of surveillance testing of employees and contractors for 2019-nCoV.
- (69) Despite clause 5(1)(b) of the **Care Facilities Directions (No. 14)**, an employer in relation to a Work Premises that is a care facility in the Restricted Area must not permit an employee or contractor to enter the care facility where:
- (a) the employee or contractor has, on or after 4 October 2020, worked at another care facility; and
  - (b) at the time the employee or contractor worked at that other care facility, a confirmed case was present at that other facility,
- unless:
- (c) at least 14 days have elapsed since the last time the employee or contractor worked at that other facility while a confirmed case was present; and
  - (d) within four days prior to the date that the employee or contractor is expected to work at the care facility, the employee or contractor has:
    - (i) undertaken a test for 2019-nCoV;
    - (ii) received confirmation that the results of that test were negative; and
    - (iii) not worked at another care facility since that test; and
  - (e) the employee or contractor has provided evidence of the negative test result to the employer prior to commencing work at that care facility.
- Note: providing the employer with hardcopy or electronic notification confirming the negative test result from a testing provider is sufficient evidence.*
- Note: the effect of subclause (69) is that, in the event of an outbreak of 2019-nCoV at a care facility, an employee or contractor present during the outbreak must only work at that facility, and cannot be permitted to work at other care facility. Such employees or contractors must wait a minimum period of 14 days and test negative for 2019-nCoV, before moving from that care facility to commence work at another care facility.*
- (70) Despite clause 5(1)(b) of the **Care Facilities Directions (No. 14)**, an employer in relation to a Work Premises that is a care facility in the Relevant Area must not permit an employee or contractor to enter the care facility where:
- (a) the employee or contractor has, following the commencement of these directions:

- (i) worked at a care facility in the Restricted Area; or
- (ii) worked at another care facility in the Relevant Area and at the time the employee or contractor worked at that other care facility, a confirmed case was present at that other facility,

unless:

- (b) within four days prior to the date that the employee or contractor is expected to work at the care facility, the employee or contractor has:
  - (i) undertaken a test for 2019-nCoV;
  - (ii) received confirmation that the results of that test were negative; and
  - (iii) not worked at another care facility since that test; and
- (c) the employee or contractor has provided evidence of the negative test result to the employer prior to commencing work at that care facility.

*Note: providing the employer with hardcopy or electronic notification confirming the negative test result from a testing provider is sufficient evidence.*

- (71) An employer in relation to a Work Premises that is a care facility in Victoria must comply with cleaning and personal protective equipment requirements in accordance with the requirements of the Department of Health and Human Services.
- (72) The Chief Health Officer may grant an exemption in writing to the requirements of subclause (69) and (70).

*Note: an exemption may only be granted where it is necessary to ensure that residents are provided with a reasonable standard of care.*

#### 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) **care facility** has the same meaning as in the **Care Facilities Directions (No. 14)**;
- (7) **care facility worker** has the same meaning as “worker” in clause 6(1) of the **Care Facilities Directions (No. 14)**;
- (8) **Chief Veterinary Officer** means the chief veterinary officer of the Department of Jobs, Precincts and Regions;
- (9) **cleaned** has the same meaning as in the **Workplace Directions (No. 7)**;
- (10) **cleaning requirement** has the same meaning as in the **Workplace Directions (No. 7)**;
- (11) **confirmed case** means a worker diagnosed with 2019-nCoV;
- (12) **construction site** has the meaning in clause 7(32)(a);

- (13) **COVID Marshal** has the meaning in clause 7(4)(b);
- (14) **critical and essential infrastructure** has the meaning in clause 7(32)(b);
- (15) **daily peak workforce capacity** has the meaning in clause 5(6);
- (16) **daily total workforce capacity** has the meaning in clause 5(7);
- (17) **density quotient** has the same meaning as in the **Workplace Directions (No. 7)**;
- (18) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (19) **Directions currently in force** has the same meaning as in the **Area Directions (No. 9)**;
- (20) **early stage land development site** has the meaning in clause 7(35);
- (21) **employee** includes a person who is self-employed;
- (22) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (23) **face covering** has the same meaning as in the **Workplace Directions (No. 7)**;
- (24) **High Risk COVIDSafe Plan** has the meaning in clause 0;
- (25) **inspector** has the same meaning as in the **OHS Act**;
- (26) **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);
- (27) **large-scale construction site** has the meaning in clause 7(39);
- (28) **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);
- (29) **meat processing facility** has the meaning under the PrimeSafe licence category “further meat processing facilities”;
- (30) **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;
- (31) **medical supply, pharmaceutical supply and personal protective equipment supply facility Work Premises** has the meaning in clause 7(29);
- (32) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (33) **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.*
- (34) **perishable food Work Premises** has the meaning in clause 7(25)(b);
- (35) **personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;



- (36) **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;
- (37) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (38) **poultry processing facility** has the meaning under the PrimeSafe licence category “poultry meat processing facilities”;
- (39) **premises** has the same meaning as in the **PHW Act**;
- (40) **reasonably practicable** is to have its ordinary and common sense meaning;
- (41) **records requirement** has the same meaning as in the **Workplace Directions (No. 7)**;
- (42) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (43) **Restricted Area** has the same meaning as in the **Area Directions (No. 9)**;
- (44) **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**;
- (45) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (46) **seafood processing facility** has the meaning under the PrimeSafe licence category “seafood processing facilities”;
- (47) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 12)**;
- (48) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 12)**;
- (49) **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;
- (50) **seasonal worker** means a worker temporarily employed or engaged to perform seasonal horticultural work at seasonal work premises;
- (51) **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;
- (52) **seasonal worker transport** means any transport provided by the employer or labour hire provider used for transporting seasonal workers;
- (53) **seasonal Work Premises** means a farm or workplace where seasonal horticultural work is undertaken;
- (54) **small-scale construction site** has the meaning in clause 7(33);
- (55) **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;

- (56) **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;
- (57) **supermarket Work Premises** has the meaning in clause 7(25)(a);
- (58) **vehicle** has the same meaning as in the **PHW Act**;
- (59) **weekly peak workforce capacity** has the meaning in clause 7(11);
- (60) **weekly total workforce capacity** has the meaning in clause 7(12);
- (61) **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;
- (62) **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**;
- (63) **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 18 October 2020

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

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**Public Health and Wellbeing Act 2008**

## Section 200

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

## Care Facilities Directions (No. 14)

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. 13)**; and
  - (a) provide that persons required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions (No. 12)** are excluded from entering a care facility; and
  - (b) expand the category of 2019-nCoV symptoms that will result in a person being excluded from entering or remaining on the premises of a care facility; and
  - (c) provide that persons aged under 16 years are no longer excluded from entering or remaining on the premises of a care facility, where permitted to do so under these directions; and
  - (d) exclude hairdressers from the list of service providers able to attend a care facility as a worker in relation to the facility in the Restricted Area; and
  - (e) permit one household at a time to visit residents in care facilities outside the Restricted Area; and
  - (f) require operators of care facilities to require visitors in relation to a care facility to make written declarations before entering the facility.

**2 Revocation**

The **Care Facilities Directions (No. 13)** are revoked at 11:59:00 pm on 18 October 2020.

**3 Citation**

- (1) These directions may be referred to as the **Care Facilities Directions (No. 14)**.
- (2) A reference in any other direction to the **Care Facilities Directions (No. 13)** is taken to be a reference to these directions.

**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 18 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 18 October 2020 and 11:59:00 pm on 8 November 2020 if:
- (a) the person is required to self-isolate under the **Diagnosed Persons and Close Contacts Directions (No. 12)**; or
  - (b) the person is required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions (No. 12)**; or
  - (c) during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia; or
  - (d) during the 14 days immediately preceding the entry, the person had known contact with a **confirmed case** (except in the course of their employment while wearing the appropriate level of personal protective equipment in the circumstances); 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)**.*
- (e) the person has **2019-nCoV Symptoms**; 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)(b) or (2)(d) 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 (in the Relevant Area only), diversional and recreational therapies, music therapies.*

*Note: in the Restricted Area, a hairdresser may not enter or remain on the premises of a care facility as a worker under this paragraph.*

- (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)(k); 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 a facility outside the **Restricted Area** – the person is visiting the resident alone, or with any other person or people who ordinarily reside at the same premises as the person; or  
*Limit: only 1 household at a time, subject to the **density quotient**, for a maximum of 2 hours per visit.*  
*Note 1: Parents/carers/guardians may continue to visit infants or children under 18 years residing at a care facility at the same time, for unlimited periods, under paragraph (a).*  
*Note 2: In permitting household visits, a care facility must still comply with the density quotient that limits the number of persons permitted in shared or publicly accessible places.*
- (d) 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.*
- (e) 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.*
- (f) 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.*
- (g) 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.*
- (h) 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.*
- (i) 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.*



- (j) 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.*

- (k) 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), (2)(c) or (2)(i), no more than 1 visitor may visit a resident at any one time.

## 8 Operator obligations

*Operator to take all reasonable steps*

- (1) The operator of a care facility in Victoria must take all reasonable steps to ensure that:
- (a) 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
  - (b) 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.

*Visitor declarations*

- (2) The operator of a care facility in Victoria must require visitors in relation to the care facility to declare in writing at the start of each visit, but before entering any area of the care facility that is freely accessible to residents, whether the visitor:
- (a) is free of **2019-nCoV Symptoms**; and
  - (b) has, in the preceding 14 days, been in contact with a **confirmed case** (except in the course of their employment while wearing the appropriate level of personal protective equipment in the circumstances); and
  - (c) is currently required to self-isolate or self-quarantine in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 12)**.

*Note 1: clause 7 outlines the circumstances in which a person is a visitor in relation to a care facility.*

*Note 2: from 11:59:00 pm on 18 October 2020, operators of care facilities are subject to additional obligations under the Workplace (Additional Industry Obligations) Direction (No. 9).*

## 9 Relationship with other Directions

- (1) 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.
- (2) These directions operate alongside, and are not intended to derogate from, obligations imposed on operators of care facilities under the **Workplace Directions (No. 8)** and **Workplace (Additional Industry Obligations) Directions (No. 9)**.

## 10 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  $37.5^{\circ}\text{C}$  (such as night sweats or chills);
  - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);

- (c) loss of smell;
- (d) loss of taste;
- (2) **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);
- (3) **care facility** has the meaning in clause 4;
- (4) **confirmed case** means a person who has been diagnosed with 2019-nCoV;
- (5) **density quotient** has the same meaning as in the **Workplace Directions (No. 7)**;
- (6) **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".*
- (7) **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**;
- (8) **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)).
- (9) **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;
- (10) **flexible care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (11) **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;
- (12) **nominated person** in relation to a resident has the same meaning as in the **Mental Health Act 2014**;
- (13) **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**;
- (14) **proprietor** of a **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (15) **provides labour hire services** has the same meaning as in the **Labour Hire Licensing Act 2018**;
- (16) **registered NDIS provider** has the same meaning as in the **National Disability Insurance Scheme Act 2013** of the Commonwealth;
- (17) **resident** of a care facility includes a patient of the care facility;
- (18) **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;
- (19) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (20) **Restricted Area** has the same meaning as in the **Area Directions (No. 9)**;
- (21) **secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (22) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (23) **Thomas Embling Hospital** means the hospital of that name operated by the **Victorian Institute of Forensic Mental Health**;
- (24) 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;
- (25) **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 18 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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