



Victoria Government Gazette

No. S 548 Tuesday 27 October 2020
By Authority of Victorian Government Printer

Public Health and Wellbeing Act 2008 Section 200

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

Restricted Activity Directions (Restricted Areas) (No. 14)

I, Dr Finn Romanes, Deputy Public Health Commander, consider it reasonably necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(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. 13)** restricting activities in areas of Victoria, and provide circumstances in which **Permitted Work Premises** and **Closed Work Premises** that are or will be open to **members of the public** are permitted to operate for the purpose of carrying out **essential pre-opening activities** (and other limited activities).

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Restricted Areas) (No. 14)**.

3 Revocation

The **Restricted Activity Directions (Restricted Areas) (No. 13)** are revoked at 3:00 pm on 26 October 2020.

4 Restricted activity period

The **restricted activity period** is the period beginning at 3:00 pm on 26 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. 14)** available at www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19 as amended from time to time by the Victorian Government, the **Permitted Worker Permit Scheme Directions (No. 8)**, 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) if the Permitted Work Premises is, or will be within 48 hours, open to members of the public, for the purpose 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.

SPECIAL

- (c) if the Permitted Work Premises is currently closed to members of the public and will be open to members of the public within 48 hours, for the purpose of essential pre-opening activities, where it is not reasonably practicable for the essential pre-opening activities to occur from the place where those involved in such activities ordinarily reside;

Example: food and drink facilities, retail facilities and other facilities that are currently open or are anticipated to be open to members of the public are permitted to operate onsite in the 48 hours before the Permitted Work Premises is or will be open to members of the public. The essential pre-opening activities permitted in the 48 hours before the Permitted Work Premises is or will be open to members of the public include receiving deliveries, restocking products, setting up displays, preparing food and ensuring compliance with a COVIDSafe Plan.

- (d) by permitting employees to work from the place where they ordinarily reside; or
- (e) as required or authorised by law; or
- (f) in an emergency; or
- (g) 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. 8)**.*

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) if the Closed Work Premises will be open to members of the public within 48 hours, for the purpose 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
- (d) if the Closed Work Premises is or will be open to members of the public within 48 hours, for the purpose of essential pre-opening activities, where it is not reasonably practicable for the essential pre-opening activities to occur from the place where those involved in such activities ordinarily reside; or

Example: beauty and personal care facilities, retail facilities and other facilities that are anticipated to be open to members of the public and are permitted to operate onsite in the 48 hours before the Permitted Work Premises is or will be open to members of the public. Essential pre-opening activities permitted in the 48 hours before the Closed Work Premises will be open to members of the public include receiving deliveries, restocking products, setting up displays, preparing food and ensuring compliance with a COVIDSafe Plan.

- (e) by permitting employees to work from the place where they ordinarily reside to operate the premises; or
 - (f) 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.
 - (g) as required or authorised by law; or
 - (h) in an emergency; or
- 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 providing hydrotherapy services to members of the public at the facility if the person:
- (a) ensures that no access is permitted to saunas within the facility; and
 - (b) ensures that any member of the public accessing hydrotherapy services is accompanied by:
 - (i) a health worker or a disability support worker or a carer; and
 - (ii) a carer, parent or guardian (if required); and
 - (c) ensures that no group hydrotherapy services are permitted; and
 - (d) ensures that 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) 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, other than where the client is exempt from the requirement to wear a face covering, in accordance with clause 5(6) and (7) of the **Stay at Home Directions (Restricted Areas) (No. 19)**; 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.
Example: a person under the age of 12 years and a person who has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable, are not required to wear a face covering.
- (a) 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 property** 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) **essential pre-opening activities** means, in respect of a Permitted Work Premises or Closed Work Premises that is open to members of the public, or will be open to members of the public within 48 hours:
 - (a) all activities required to operate safely, including to satisfy occupational health and safety obligations and ensure compliance with a COVIDSafe Plan; and
 - (b) all other preparatory activities required to be carried out before the commencement of operations (including onsite operations);
- (15) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;

- (16) **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;
- (17) **hairdressing** has the same meaning as in the PHW Act;
- (18) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the PHW Act;
- (19) **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;
- (20) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation services;
- (21) **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;
- (22) **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;
- (23) **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;
- (24) **outdoor space** means a space that is not an **indoor space**;
- (25) **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. 14)** available at www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19 as amended from time to time by the Victorian Government; or
 - (b) in the **Restricted Area** where they are a final year student who requires access to in-person teaching, assessment or work placements in order to graduate by the end of January 2021; or
 - (c) in the **Restricted Area** where they are a final year apprenticeship student whose training contract ends by 31 December 2020 and needs to access onsite practical training and assessment;
- (26) **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. 14)** available at www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19 as amended from time to time by the Victorian Government;

- (27) **Permitted Work Premises** means the ‘Permitted Work Premises’ for the purposes of the **Restricted Activity Directions (Restricted Areas) (No. 14)** available at: www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19 as amended from time to time by the Victorian Government;
- (28) **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. 8)**;
- (29) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 8)**;
- (30) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (31) **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.*
- (32) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (33) **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**;
- (34) **playground** means publicly accessible outdoor play equipment in a public park;
- (35) **premises** has the same meaning as in the PHW Act;
- (36) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (37) **records requirement** has the same meaning as in the **Workplace Directions (No. 7)**;
- (38) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (39) **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;
- (40) **religious practitioner** has the same meaning as subsection 995-1(1) of the **Income Tax Assessment Act 1997** of the Commonwealth;
- (41) **residential property** has the same meaning as in the **Estate Agents Act 1980**;

- (42) **restricted activity period** has the meaning in clause 4;
- (43) **Restricted Area** has the same meaning as in the **Area Directions (No. 9)**;
- (44) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (45) **signage requirement** has the same meaning as in the **Workplace Directions (No. 7)**;
- (46) **vehicle** has the same meaning as in the PHW Act;
- (47) **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;
- (48) **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 26 October 2020

DR FINN ROMANES
Deputy Public Health Commander,
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the PHW Act.

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM DEPUTY PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Permitted Worker Permit Scheme Directions (No. 8)**

I, Dr Finn Romanes, Deputy Public Health Commander, consider it reasonably necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

PART 1 – PRELIMINARY**1 Preamble**

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

2 Citation

- (1) These directions may be referred to as the **Permitted Worker Permit Scheme Directions (No. 8)**.
- (2) The **Permitted Worker Permit Scheme Directions (No. 7)** are revoked at 3:00 pm on 26 October 2020.

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

For the purposes of these directions, the **Permitted Worker Permit Scheme period** is the period beginning at 3:00 pm on 26 October 2020 and ending at 11:59:00 pm on 8 November 2020.

4 Diagnosed Persons and Close Contacts

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

- (c) any Permitted Worker Permit is automatically revoked upon such notification.
*Note: once a person has been released or given clearance from self-isolation or self-quarantine in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 12)**, the terms of these directions will apply to them.*

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

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

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

6 Permitted Employers' duty to issue a Permitted Worker Permit

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Note: the employee may sign electronically.

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

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

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

7 Employer obligations

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

8 Employee obligations

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

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

9 Exemptions

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

- (b) emergency service workers, which include officers and employees of:
 - (i) Ambulance Victoria; and
 - (ii) Australian Red Cross; and
 - (iii) Bushfire Recovery Victoria; and
 - (iv) Country Fire Authority; and
 - (v) Emergency Management Victoria; and
 - (vi) Emergency Services Telecommunications Authority; and
 - (vii) Fire Rescue Victoria; and
 - (viii) Forest Fire Management Victoria; and
 - (ix) Life Saving Victoria; and
 - (x) Marine Search and Rescue; and
 - (xi) Victoria State Emergency Service Authority; and
 - (xii) Victorian Institute of Forensic Medicine;
 - (c) hospital workers and health workers (including non-emergency patient transport workers);
 - (d) workers who need to attend a **Permitted Work Premises** or a **Closed Work Premises** in the Restricted Area for the purpose of **essential pre-opening activities** in accordance with the requirements of the **Restricted Activity Directions (Restricted Areas) (No. 14)**;
 - (e) any class of person approved by the Chief Health Officer in writing and subject to any conditions specified by the Chief Health Officer.
- (4) A person is not required to have a Permitted Worker Permit under subclause (3) provided that they have photographic personal identification issued by the organisation which employs or engages them in the capacity set out in subclause (3) and which identifies the person's place of work in that capacity.
- (5) An employee of the category defined in subclause (3) must, on request, produce the photographic personal identification referred to in subclause (4) which identifies the person's place of work to an Authorised Officer, a Victoria Police Officer or a Protective Services Officer.

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

10 References in other Directions currently in force

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

PART 4 – OTHER PROVISIONS**11 Relationship with other directions**

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

12 Other definitions

For the purposes of these directions:

- (1) **Authorised Officer** has the same meaning as in section 3 of the **PHW Act**;
- (2) **clinical placement** means the placement of a prescribed student in a medical, nursing, midwifery, allied health, health assistance or personal care clinical context, excluding a placement in a residential aged care facility;
- (3) **close contact** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 12)**;
- (4) **Closed Work Premises** has the same meaning as in the **Restricted Activity Directions (Restricted Area) (No. 14)**;
- (5) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 12)**;
- (6) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (7) **Directions currently in force** has the same meaning as in the **Area Directions (No. 9)**;
- (8) **essential pre-opening activities** has the same meaning as in the **Restricted Activity Directions (Restricted Area) (No. 14)**;
- (9) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (10) **Permitted Employer** means an organisation or individual which operates a **Permitted Work Premises**;
- (11) **Permitted Services** means the services of the **Permitted Work Premises** for the purposes of the **Restricted Activity Directions (Restricted Areas) (No. 14)** available at: www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19 as amended from time to time by the Victorian Government;
- (12) **Permitted Work Premises** means the Permitted Work Premises for the purposes of the **Restricted Activity Directions (Restricted Areas) (No. 14)** available at: www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19 as amended from time to time by the Victorian Government;
- (13) **Permitted Worker Permit** means a permit issued under clause 6;
- (14) **Permitted Worker Permit Scheme** means the scheme established under these directions;
- (15) **Permitted Worker Permit Scheme period** means the period specified under clause 3;
- (16) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (17) **premises** has the same meaning as in section 3 of the **PHW Act**;
- (18) **prescribed higher education provider** means an approved university or a TAFE institute under the **Education and Training Reform Act 2006** or a registered training organisation;

- (19) **prescribed student** means a student at a **prescribed higher education provider** studying:
- (a) a diploma or undergraduate or postgraduate qualification in medicine, nursing, midwifery or allied health; or
 - (b) Certificate III and Certificate IV programs with a focus on health assistance or personal care;
- (20) **reasonably practicable** is to have its ordinary and common sense meaning;
- (21) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (22) **Restricted Area** has the same meaning as in the **Area Directions (No. 9)**;
- (23) **vehicle** has the same meaning as in the **PHW Act**;
- (24) **Work Premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes.

13 Penalties

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

False or misleading information

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

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

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

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

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

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

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

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

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

Compliance with direction or other requirement

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

Penalty: In the case of a natural person, 120 penalty units;

In the case of a body corporate, 600 penalty units.

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

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

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

Dated 26 October 2020

DR FINN ROMANES
Public Health Commander,
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the PHW Act.

ive

The *Victoria Government Gazette* is published by IVE Group Limited with the authority of the Government Printer for the State of Victoria

© State of Victoria 2020

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria
Level 2, 1 Macarthur Street
Melbourne 3002
Victoria Australia

How To Order



Retail & Mail Sales

Victoria Government Gazette

Ground Floor, Building 8,
658 Church Street,
Richmond 3121

DX 106 Melbourne



Telephone

(03) 8523 4601



Fax

(03) 9600 0478

email

gazette@ivegroup.com.au

Price Code B