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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. 6)

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. 5)** to amend the restrictions that apply to religious gatherings and funerals, confirm that a person may enter the Restricted Area to receive services related to property settlements or commencement or ending of leases, and make consequential amendments following the issuing of the **Stay Safe Directions (Melbourne)**.

2 Citation

These directions may be referred to as the **Stay Safe Directions (Non-Melbourne) (No. 6)**.

3 Revocation

The **Stay Safe Directions (Non-Melbourne) (No. 5)** are revoked at 11:59:00 pm on 27 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 27 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

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- (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. 10)**; and
 - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Non-Melbourne) (No. 10)** 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.

*Note 2: if a person experiences a temperature higher than 37.5°C 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)(ii) or (k)(ii),

of, and provided they comply with the requirements set out in, the **Stay Safe Directions (Melbourne)**.

- (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 subclause (3), (3A) or (5), the **Stay Safe Directions (Melbourne)** and the **Restricted Activity Directions (Melbourne)** 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), subclauses (1) and (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 Safe Directions (Melbourne)** 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 as updated from time to time, available at: 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 sportsperson when training or competing; or
- (m) the person is engaged in any strenuous physical exercise; or

Examples: jogging, running.

- (n) the person is travelling in a **vehicle** by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (o) the person is riding a bicycle or motorcycle; or
- (p) the person is consuming food, drink or medicine; or
- (q) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (r) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (s) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Non-Melbourne) (No. 10)**, 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 ordinarily resides in the Restricted Area and who works in the Relevant Area (or vice versa) must hold a **Metro-Regional Work Travel Permit** in accordance with, and comply with, the **Metro-Regional Work Travel Permit Scheme Directions**.*

 - (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 for:
 - (a) school educational services (including at a school or non-school senior secondary provider and outside school hours care services); or
 - (b) **higher education services** 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 person 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 (2)(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 Safe Directions (Melbourne)** provides that a person who ordinarily resides in the Restricted Area may not enter the Relevant Area for this purpose either.*

- (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. 10)**; 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 Safe Directions (Melbourne)**.

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) with no more than:
 - (i) 9 other persons if held in an indoor space; or
 - (ii) 49 other persons if held in an outdoor space,

plus one faith leader, provided they comply with any requirements of the **Restricted Activity Directions (Non-Melbourne) (No. 10)**; 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:
 - (i) subclause (7), if the funeral is held in the Relevant Area; or
 - (ii) the **Stay Safe Directions (Melbourne)**, if the funeral is held in the Restricted Area; or
- (e) for the purpose of attending **end of life** activity that complies with the requirements in:
 - (i) subclause (8), if the end of life activity is held in the Relevant Area; or
 - (ii) the **Stay Safe Directions (Melbourne)**, if the end of life activity is held in the Restricted Area; 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. 10)**; 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) a **photographer**; and
 - (iv) no more than 10 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. 10)**.*

*Note 2: the requirements for a wedding held in the Restricted Area are set out in the **Stay Safe Directions (Melbourne)**.*

- (7) The requirements for a funeral held in the Relevant Area are that it involves no more than:
 - (a) 20 members of the public if held in an indoor space; or
 - (b) 50 members of the public if held in an outdoor space,with any infant under one year of age not counting towards these limits 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; and
 - (d) 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. 10)**.*

*Note 2: the requirements for a funeral held in the Restricted Area are set out in the **Stay Safe Directions (Melbourne)**.*

- (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) **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) **density quotient** has the same meaning as in the **Workplace Directions (No. 8)**;
- (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) **Metro-Regional Work Travel Permit** has the same meaning as in the **Metro-Regional Work Travel Permit Scheme Directions**;
- (17) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (18) **outdoor space** means a space that is not an **indoor space**;
- (19) **photographer** means a person who takes photographs as a business and has an Australia Business Number for this purpose;
- (20) **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;

- (21) **prison** has the same meaning as in the **Corrections Act 1986**;
- (22) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (23) **Relevant Area** has the meaning in clause 1(2);
- (24) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (25) **Restricted Area** has the same meaning as in the **Area Directions (No. 9)**;
- (26) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (27) **stay safe period** has the meaning in clause 4;
- (28) **vehicle** has the same meaning as in the PHW Act;
- (29) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (30) **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 27 October 2020

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

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Stay Safe Directions (Melbourne)**

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:
 - (a) restrict the circumstances in which they may leave the Restricted Area; and
 - (b) wear **face coverings**; and
 - (c) limit interactions with others by restricting gatherings.
- (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. 19)** to ease the restrictions on leaving home and the restrictions on private and public gatherings.

2 Citation

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

3 Revocation

The **Stay at Home Directions (Restricted Areas) (No. 19)** are revoked at 11:59:00 pm on 27 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 27 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 Restricted Area during the stay safe period may leave the **premises** where the person ordinarily resides for any reason subject to subclauses (2) and (2A).
- (2) When leaving their premises, a person:
 - (a) must not travel to the **Relevant Area** other than in accordance with subclauses (2B) to (3); and
 - (b) must comply with the face covering requirements in subclauses (9) and (10); and
 - (c) if leaving the premises where they ordinarily reside for work or education, must only do so if in accordance with clause 8 (**work or education**); and
 - (d) must comply with the restrictions on gatherings in clause 11 (**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 (Melbourne)**; and
- (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Melbourne)** 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.

*Note 2: if a person experiences a temperature higher than 37.5°C 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)**.*

Travel restrictions

(2A) A person must not travel further than 25 km from:

- (a) their premises if they leave for a purpose under clause 6 (necessary goods or services), 9(2) or (3) (exercise or social interaction outdoors), 10(1)(e) (place of worship) or 11(2)(i) (social gathering); or
- (b) their workplace if they leave that workplace for a purpose under clause 9(2) (exercise outdoors),

unless:

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

Note 1: 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 (2A).

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

Requirement to stay in the Restricted Area

(2B) Subject to subclauses (2C) and (3), a person who ordinarily resides in the Restricted Area during the stay safe period must not leave the Restricted Area other than for one or more of the purposes 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 a purpose under clause 6 (necessary goods or services) remains subject to the requirement not to travel further than 25 km from their premises under subclause (2A), 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.

(2C) If a person who ordinarily resides in the Restricted Area leaves the Restricted Area in accordance with subclause (2B) or (3), these directions and the **Restricted Activity Directions (Melbourne)** apply to that person when outside of the Restricted Area as if they were in the Restricted Area.

Principal place of residence

(3) 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 safe period. If the person's chosen principal place of residence is:

- (a) within the Restricted Area, they may go to any other ordinary place of residence within 25 km of their principal place of residence but must not go to any other ordinary place of residence outside the Restricted Area; or
 - (b) outside the Restricted Area, they must not leave to go to any other ordinary place of residence in 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

- (4) Subject to subclauses (5) and (6), subclauses (1) and (3) do not apply to a person at any time during the stay safe 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).
- (5) If a suitable premises is made available for a person identified in subclause (4) 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 period (or part thereof).
- (6) If subclause (4) applies and 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 safe period (or part thereof), that residence is taken to be the person's principal place of residence for the period (or part thereof) and subclause (3) applies accordingly.
- (7) 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).

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.

- (8) 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 (8) 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 (3).

*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

- (9) A person may only leave the premises under subclause (1) if they:
- (a) wear a face covering at all times; and
 - (b) if subclause (10) (other than subclause (10)(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 as updated from time to time, available at: www.dhhs.vic.gov.au/face-masks-vic-covid-19.

- (10) Subclause (9)(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 (Melbourne)**, 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 (10) applies); or
- (v) required or authorised by law; or
- (w) doing so is not safe in all the circumstances.

PART 3 – RESTRICTIONS ON LEAVING PREMISES OR RESTRICTED AREA

Note: a person may leave the premises where they ordinarily reside under Part 2 for any reason. Part 3 only applies to limit when a person may leave the premises where they ordinarily reside for work or education (clauses 5(2)(c) and 8), when travelling further than 25 km from their premises or workplace for certain purposes (clause 5(2A)), when leaving the Restricted Area for certain purposes (clause 5(2B)) or as otherwise expressly provided.

6 Leaving to obtain necessary goods or services

- (1) A person may leave to obtain:
 - (a) take away food or drink; or
 - (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 (Melbourne)**, 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(2B) and (2C) and if such retail facilities are permitted to operate in the Restricted Area.

7 Leaving for care or other compassionate reasons

- (1) A person may leave:
 - (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 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
 - (d) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions (No. 14)**; or
 - (e) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No. 13)**; or
 - (f) 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
- Note: under clause 11(6)(c), a person who ordinarily resides in the Restricted Area must not attend a wedding outside the Restricted Area.*
- (g) to donate blood or breast milk; or
 - (h) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
 - (i) to visit a person with whom they are in an intimate personal relationship; or
 - (j) to attend a cemetery or other **memorial** to pay respects to a deceased person provided that it is only with:
 - (i) any other person (or people) who ordinarily resides at the same premises as that person; or
 - (ii) 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
- 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)(j) does not permit a person to attend an event in a person's home.*
- (k) to provide child-minding assistance (whether on a paid or voluntary basis); or
 - (l) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal.

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

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

8 Leaving 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 (whether paid or voluntary, including for charitable or religious purposes); or
- Note: a person who ordinarily resides in the Restricted Area and who works in the Relevant Area (or vice versa) must hold a **Metro-Regional Work Travel Permit** in accordance with, and comply with, the **Metro-Regional Work Travel Permit Scheme Directions**.*
- (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 for:
 - (a) school educational services (including at a school or non-school senior secondary provider and outside school hours care services); or
 - (b) **higher education services** where it is not reasonably practicable for the person to obtain the higher education services from the premises where they ordinarily reside.

9 Leaving for exercise or social interaction

- (1) A person may leave to exercise or for social interaction in accordance with this clause 9.
- (2) A person may leave 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); or
 - (c) for personal training purposes, but only in accordance with the **Restricted Activity Directions (Melbourne)**.

*Note: 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 workplace. Any exercise outdoors requiring the use of a facility must comply with the **Restricted Activity Directions (Melbourne)**. Subject to compliance with this clause 9 and clauses 5(2A) and 11(5), exercise outdoors may include sitting in an outdoor space.*

- (3) A person may leave 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)).
- (4) A person leaving 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.

*Note: in accordance with clause 5(2B), 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. 6)** provides that a person who ordinarily resides in the Relevant Area may not enter the Restricted Area for this purpose either.*

10 Leaving for other reasons

- (1) A person may leave:
 - (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 (Melbourne)**; or
 - (f) to attend a **community facility**, which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Melbourne)**; 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 premises in which the person ordinarily resides is no longer available for the person to reside in or is no longer suitable for the person to reside in; or
 - (i) for purposes relating to, or associated with, **dealing with residential property**, in accordance with any requirements in the **Restricted Activity Directions (Melbourne)**, 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.*
- (j) 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 (Melbourne)**, provided that the person must not travel outside the Restricted Area for these purposes; or
 - (k) for the purposes of moving to a new premises at which the person will ordinarily reside; or
 - (l) if the person ordinarily resides outside Victoria, for the purposes of leaving Victoria; or
 - (m) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
 - (n) for the purposes of **national security**.

PART 4 – GATHERINGS

11 Restrictions on gatherings

Private gatherings

- (1) During the stay safe 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).

(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 8 (*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) to visit a **nominee person** or **nominated person** for social interaction, provided that:
 - (i) the nominee person is permitting their nominated person (and any child or dependant permitted to accompany them in accordance with subclause (3)) to enter the premises; or
 - (ii) the nominated person is permitting their nominee person (and any child or dependant permitted to accompany them in accordance with subclause (3)) to enter the premises, but only while the nominated person is otherwise by themselves at their premises,

and:

- (iii) the nominee person has only one nominated person; and
 - (iv) the nominated person has only one nominee person,
- for the duration of these directions; or
- (i) if the person is visiting for a social gathering (**visiting person**), provided that there is no one else at the premises except for:
 - (i) the person (or people) who ordinarily reside at those premises (**host person**) and:
 - (A) any other person with whom the host person is in an intimate personal relationship; or
 - (B) any nominated person of the host person,
 - (ii) no more than one other person who is visiting for a social gathering at the same time, provided they ordinarily reside with the visiting person; and

- (iii) any infant under one year of age of a visiting person; and
- (iv) any child or dependant permitted to accompany a person in accordance with subclause (3),

and provided that:

- (v) the premises does not have more than one social gathering (not including special visiting persons) each day; and
- (vi) each visiting person (not including special visiting persons):
 - (A) does not travel further than 25 km from their ordinary place of residence; and
 - (B) does not visit more than one premises for a social gathering each day; and
 - (C) on a day they visit a premises for a social gathering, they are not a host person for a social gathering at their own ordinary place of residence; and
- (vii) on a day they are visited, the host persons do not visit any other premises (other than those of any special visiting persons) for a social gathering; or

Note 1: under subclause (2)(i), only 2 people from the same premises 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.

- (j) 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 (Melbourne)**; or
- (k) for the purpose of moving to the premises as the place where they will ordinarily reside; or
- (l) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (m) for medical or emergency purposes; or
- (n) for purposes relating to the administration of justice; or
- (o) as required or authorised by law; or
- (p) 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), (6)(c) or (7)(c) 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 dependant unattended so that they can enter the premises in accordance with subclause (2), (6)(c) or (7)(c) without the child or dependant, then the child or dependant may accompany that person when entering the premises in accordance with subclause (2), (6)(c) or (7)(c).
- (4) During the stay safe 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

- (5) During the stay safe period, a person in the Restricted Area must not arrange to meet, or organise or intentionally attend a gathering of, more than nine 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) with no more than:
 - (i) nine other persons if held in an indoor space; or
 - (ii) 19 other persons if held in an outdoor space, plus one faith leader, provided they comply with any requirements of the **Restricted Activity Directions (Melbourne)**; or
 - (c) for the purpose of attending a wedding in the Restricted Area that complies with the requirements in subclause (6); 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(2B)(c).*
- (d) for the purpose of attending a funeral that complies with the requirements in:
 - (i) subclause (7), if the funeral is in the Restricted Area; or
 - (ii) the **Stay Safe Directions (Non-Melbourne) (No. 6)**, if the funeral is in the Relevant Area; or
 - (e) for the purpose of attending end of life activity that complies with the requirements in:
 - (i) subclause (8), if the end of life activity is in the Restricted Area; or
 - (ii) the **Stay Safe Directions (Non-Melbourne) (No. 6)**, if the end of life activity in the Relevant Area; 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 (Melbourne)**; or
 - (ii) to attend or undertake work or education services in accordance with clause 8; or
 - (iii) medical or emergency purposes; or
 - (iv) purposes as required or authorised by law; or
 - (v) purposes relating to the administration of justice.

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

Weddings, funerals and end of life activities

- (6) The requirements for a wedding held in the Restricted Area are that:
 - (a) it involves only:
 - (i) the two persons being married; and
 - (ii) the **authorised celebrant**; and
 - (iii) a **photographer**; and

- (iv) no more than 10 other guests, including 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 involves no more than:
 - (i) the authorised celebrant;
 - (ii) those persons who ordinarily reside at those premises and any other persons with whom those people are in an intimate personal relationship; and
 - (iii) two guests (with any infant under one year of age not counting towards this limit) and any child or dependant of those guests permitted to accompany them in accordance with subclause (3).

*Note 1: record keeping requirements apply to weddings as set out in the **Restricted Activity Directions (Melbourne)**.*

*Note 2: 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. 6).*

- (7) The requirements for a funeral held in the Restricted 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 involves no more than:
 - (i) the persons required to conduct the funeral;
 - (ii) those persons who ordinarily reside at those premises and any other persons with whom those people are in an intimate personal relationship; and
 - (iii) two guests (with any infant under one year of age not counting towards this limit) and any child or dependant of those guests permitted to accompany them in accordance with subclause (3).

*Note 1: record keeping requirements apply to funerals as set out in the **Restricted Activity Directions (Melbourne)**.*

*Note 2: 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. 6).*

- (8) 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 (Melbourne)**;
- (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; andfor 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. 8)**;
- (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) **host person** has the meaning in clause 11(2)(i);
- (18) **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;
- (19) **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;
- (20) **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**;
- (21) **Metro-Regional Work Travel Permit** has the same meaning as in the **Metro-Regional Work Travel Permit Scheme Directions**;
- (22) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (23) **nominated person** means a person nominated by a **nominee person** for social interaction permitted in accordance with these directions;
- (24) **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;
- (25) **outdoor space** means a space that is not an **indoor space**;
- (26) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (27) **photographer** means a person who takes photographs as a business and has an Australia Business Number for this purpose;
- (28) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (29) **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;
- (30) **prison** has the same meaning as in the **Corrections Act 1986**;
- (31) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (32) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (33) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (34) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (35) **Restricted Area** has the same meaning as in the **Area Directions (No. 9)**;
- (36) **retail facility** has the same meaning as in the **Restricted Activity Directions (Melbourne)**;
- (37) **seasonal worker** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions (No. 10)**;
- (38) **seasonal worker accommodation** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions (No. 10)**;
- (39) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (40) **special visiting person** has the meaning in clause 11(2)(i);
- (41) **stay safe period** has the meaning in clause 4;
- (42) **vehicle** has the same meaning as in the PHW Act;
- (43) **visiting person** has the meaning in clause 11(2)(i);
- (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 27 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 (Melbourne)**

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. 14)** restricting activities in areas of Victoria, and provide for circumstances in which:
 - (a) a **physical recreational facility** is permitted to operate for outdoor sport and physical recreation; and
 - (b) an indoor religious gathering or ceremony is permitted; and
 - (c) a **community facility** is permitted to operate; and
 - (d) outdoor community sport is permitted; and
 - (e) a **beauty and personal care facility** is permitted to operate; and
 - (f) a **food and drink facility** is permitted to provide limited indoor and outdoor service; and
 - (g) a **food court** is permitted to operate; and
 - (h) a live music performance is permitted in an **outdoor space** of a food and drink facility; and
 - (i) an **animal facility** is permitted to operate; and
 - (j) **licensed tourism operators** are permitted provide **licensed tourism services** in outdoor spaces.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Melbourne)**.

3 Revocation

The **Restricted Activity Directions (Restricted Area) (No. 14)** are revoked at 11:59:00 pm on 27 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 27 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 Restricted 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 Restricted Area may operate that premises for the purposes of:
- (a) operating a **bottleshop**; or
 - (b) providing food or drink in accordance with clause 12; or
 - (c) providing accommodation in accordance with clause 13.

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 11 (*restricted retail facilities*), 12 (*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 11 (*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 Restricted 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)(a) (indoor sport or physical recreational facility), (2)(b) (outdoor sport or physical recreational facility) or (2)(c) (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:
 - (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 subparagraph (ii) or clause 8 (community sport), not more than 10 in total at the outdoor facility at any one time except where a reasonable distance can be maintained at all times; and

Example: at a golf course, there may be multiple groups of 10 people, so long as a reasonable distance 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 each user.
- (4) Despite subclause (3), a person who owns, controls or operates a facility under (2)(a) (indoor sport or physical recreational facility), (2)(b) (outdoor sport or physical recreational facility) or (2)(c) (personal training facility) may operate that facility for the purposes of outdoor sport or physical recreation or personal training, 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 or high performance sport training or competition

- (5) Despite subclauses (1) to (4), 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 professional or high-performance sport training or competition.

- (6) A person who operates a facility under subclause (5) must:

- (a) only permit a person to attend the facility if the person is necessary for the management or maintenance of the facility or necessary for the professional or high performance sport training or competition; and

Examples: coaching staff of a professional or high performance sport team and persons necessary and employed or engaged in the management or maintenance of the facility are permitted to attend.

Note: spectators are not necessary and not permitted to attend.

- (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.

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 Restricted 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. 8)**, 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.

7 Community facilities

- (1) A person who owns, controls or operates a community facility in the Restricted 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 in accordance with subclause (3); 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
 - (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 (Melbourne)** plus the minimum number of persons 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) 10; 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 (Melbourne)**; and
 - (b) must comply with:
 - (i) the signage requirement for each indoor space and outdoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement.

Permitted operations – broadcast

- (5) Despite subclause (1), a person who owns, controls or operates a community facility in the Restricted 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) 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.

8 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 Restricted Area; and
 - (c) it is **non-contact**; and
 - (d) it does not involve a participant who ordinarily resides in the **Relevant Area**; and
 - (e) no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
 - (f) no more than 10 members of the public participate for individual events.

Example: running and cycling are individual events.

Note 1: a reference in this subclause to members of the public participating is not intended to apply to a referee or trainer or a carer, parent or guardian of a person with a disability.

Note 2: if a carer, parent or guardian of a person with a disability is a carer, parent or guardian of any other child or dependant, and the person cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave the child or dependant unattended so that the person can participate or supervise without the child or dependant, then the child or dependant may accompany the person when participating or supervising.

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 Restricted Area; and
 - (d) it does not involve a participant who ordinarily resides in the Relevant Area; and
 - (e) no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
 - (f) no more than 10 members of the public participate for individual events.

Example: running and cycling are individual events.

Note 1: a reference in this subclause to members of the public participating is not intended to apply to a referee or trainer or one carer, parent or guardian of a child or dependant required to supervise the child or dependant or one carer, parent or guardian of a person with a disability.

Note 2: if a person permitted to supervise is a carer, parent or guardian of any other child or dependant, and the person cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave the child or dependant unattended so that the person can supervise without the child or dependant, then the child or dependant may accompany the person when supervising.

- (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 Restricted Area; and
 - (c) it is non-contact; and
 - (d) it does not involve a participant who ordinarily resides in the Relevant Area; and
 - (e) no more than the minimum number of members of the public required to conduct the sport participate in the activity; and

- (f) no more than 10 members of the public participate for individual events.

Example: running and cycling are individual events.

Note 1: a reference in this subclause to members of the public participating is not intended to apply to a referee or trainer or one carer, parent or guardian of a child or dependant required to participate with or supervise the child or dependant or one carer, parent or guardian of a person with a disability.

Note 2: If a person permitted to participate with or supervise is a carer, parent or guardian of any other child or dependant, and the person cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave the child or dependant unattended so that they can participate or supervise without the child or dependant, then the child or dependant may accompany the person when participating or supervising.

9 Entertainment facilities

- (1) A person who owns, controls or operates an **entertainment facility** in the Restricted 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 12; or
 - (ii) providing accommodation in accordance with clause 13;
 - (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 Restricted 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

- (6) 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 professional or high performance sport training or competition or professional sport events, if:
- (a) the number of members of the public permitted in the facility at any time is limited to the number permitted by the density quotient; and
 - (b) no access is permitted to an indoor space in the facility, except for toilet facilities or to permit access to an outdoor space or for the purposes of operations under subclause (3) or (5); and
 - (c) a **COVIDSafe Plan** is in place for the facility; and
 - (d) where the maximum capacity for the facility is 500 or more, a COVIDSafe Plan for the facility is published on the facility's internet website prior to the first opening of the facility; and
 - (e) any food and drink facility operates in accordance with clause 12; 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

- (7) 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 professional or high performance sport training or competition or professional sport 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 per cent 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 (Melbourne)**; and
 - (d) a COVIDSafe Plan is in place for the facility; and
 - (e) any food and drink facility operates in accordance with clause 12; 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

- (8) 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 – arena or stadium for professional or high performance sport training or competition or professional sport event

- (9) Despite subclause (1), a person who owns, controls or operates an arena or stadium in the Restricted Area may operate that facility for the purposes of:
- (a) providing an exclusive venue for professional or high performance sport training or competition; or
 - (b) a professional sport event.
- (10) A person who operates a facility under subclause (9)(a) must:
- (a) only permit a person to attend the facility if the person is necessary for the management or maintenance of the facility or necessary for the professional or high performance sport persons training or competition; and

Examples: coaching staff of a professional or high performance sport team and persons necessary and employed or engaged in the management or maintenance of the facility are permitted to attend.

Note 1: spectators are not necessary and not permitted to attend.

Note 2: physical recreational facilities located at an arena or stadium must comply with the requirements in clause 6(5) and (6).

- (b) not permit a food and drink facility to operate at the arena or stadium, other than in accordance with clause 12 and to the extent necessary to provide food and drink to persons permitted to attend the arena or stadium 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.
- (11) A person who operates a facility under subclause (9)(b) must:
- (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 the professional sport event or the broadcasting of the professional sport event; and

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

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

- (b) not permit a food and drink facility to operate at the arena or stadium, other than in accordance with clause 12 and to the extent necessary to provide food and drink to persons permitted to attend the arena or stadium under paragraph (a); and

- (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 – arena or stadium for single school use

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

Permitted operations – drive-in cinemas

- (13) 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) where the maximum capacity for the facility is 500 or more, a COVIDSafe Plan for the facility is published on the facility's Internet site prior to the first opening of the facility; and
 - (f) any food and drink facility operates in accordance with clause 12; 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.

10 Places of worship

- (1) A person who owns, controls or operates a **place of worship** in the Restricted 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 Restricted Area may operate that place of worship for the purpose of:
- (a) hosting a wedding or funeral, if that wedding or funeral complies with the requirements of the **Stay Safe Directions (Melbourne)**; or
*Note: the **Stay Safe Directions (Melbourne)** limit the number of people who may attend a wedding at non-residential premises located in the Restricted Area to 10 people (plus the marrying couple, the celebrant and a photographer) and a funeral at non-residential premises located in the Restricted 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 outdoor religious gatherings or ceremonies; or
Examples: mass, Eucharist, blessings.

- (e) conducting indoor religious gatherings or ceremonies.
Examples: mass, Eucharist, blessings.
- (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) 10.
- (4) If a religious gathering or ceremony is to be held outdoors under subclause (2)(d) 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; and
 - (e) no wedding or funeral is to be held indoors or outdoors under clause 2(a) at or proximate to the place of worship at the same time; and
 - (f) no religious gathering or ceremony is to be held indoors at the place of worship under subclause (2)(e) at the same time.
- (5) If a place of worship is to hold one or more religious gatherings or ceremonies indoors under subclause (2)(e) then:
 - (a) the number of members of the public permitted in the place of worship at any one time is limited to the lesser of:
 - (i) the aggregate number permitted by the density quotient at the place of worship; and
 - (ii) 10; and
 - (b) the number of members of the public permitted for each group attending a religious gathering or ceremony in an indoor space must be limited to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 10,

and each group must maintain a distance of at least 10 metres from each other group or be in a separate indoor space at all times; and

Note: up to 10 members of the public in multiple groups may attend a religious gathering or ceremony in a single indoor space of a place of worship, provided that the indoor space is suitable to meet the density quotient for the number of people in attendance and each group is able to maintain a distance of at least 10 metres from each other.
 - (c) in addition to the maximum number of members of the public permitted to attend a religious gathering or ceremony under paragraph (b):
 - (i) if there is only one group of members of the public in an indoor space at which a religious gathering or ceremony is being held, one religious practitioner employed or otherwise engaged by a religious institution must be present at the indoor space in order to lead the religious gathering or ceremony; and

- (ii) if there is more than one group of members of the public in any one indoor space at which a religious gathering or ceremony is being held, in addition to the religious practitioner required to be present under subparagraph (i), one religious practitioner employed or otherwise engaged by a religious institution may be present in the indoor space in order to lead the religious gathering or ceremony in respect of each group; and
 - (iii) if there is more than one indoor space at which a religious gathering or ceremony is being held, one religious practitioner employed or otherwise engaged by a religious institution must be present in each indoor space in order to lead the religious gathering or ceremony in respect of each group in each indoor space; and
 - (d) each religious gathering or ceremony must be limited to 90 minutes; and
 - (e) no food, drink, crockery, utensils, vessels or other equipment are permitted to be shared by participants; and
 - (f) no wedding or funeral is to be held indoors or outdoors under clause 2(a) at the place of worship at the same time; and
 - (g) no religious gathering or ceremony is to be held outdoors under subclause (2)(d) at or proximate to the place of worship at the same time.
- (6) 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.

11 Restricted retail facilities

- (1) A person who owns, controls or operates an **open retail facility**, including a **restricted retail facility**, in the Restricted 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 Restricted Area may operate that facility, provided that:
 - (a) the person only provides services or procedures that would be able to be provided if the client is wearing a face covering; 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) a client wears a face covering for the duration of the service or procedure, other than where the client is exempt from the requirement to wear a face covering in accordance with clause 5(9) and (10) of the **Stay Safe Directions (Melbourne)**; and

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.

- (c) the facility is not located in a **care facility**; and
- (d) the person does not provide services or procedures in a care facility; and
- (e) 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.

Permitted operations – open retail facilities, markets and retail shopping centres

- (4) A person who owns, controls or operates an open retail facility, except in accordance with subclause (3), **market**, **market stall** or **retail shopping centre** in the Restricted Area 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.

12 Food and drink facilities

- (1) A person who owns, controls or operates a food and drink facility in the Restricted 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, controls or operates a food court may operate that food court to permit members of the public to consume food or drinks if that person:

- (a) limits the number of members of the public in an indoor space at the food court to the lesser of:
 - (i) the number calculated by dividing the total publicly accessible area of the indoor space (measured in square metres) by 8; and
 - (ii) 25 per cent of the maximum fixed seating capacity of the food court; and
 - (b) limits the number of members of the public at each table at an indoor space at the food court to 2 (with any child or dependant in the presence of a carer, parent or guardian not counting in this limit); and
 - (c) limits the number of members of the public in an outdoor space at the food court to the lesser of:
 - (iii) the number permitted by the density quotient; and
 - (i) 50; and
 - (d) ensures that, where there are multiple food courts in outdoor spaces at a single facility:
 - (i) each food court in an outdoor space is at least 10 metres away from each other food court in an outdoor space; and
 - (ii) the total number of food courts in outdoor spaces does not exceed 4;

Example: a shopping centre with one outdoor food court on the ground level and one on the top level.
 - (e) limits the number of members of the public seated at each table (or group of tables) in an outdoor space at the food court to 10 (with any child or dependant in the presence of a carer, parent or guardian not counting in this limit); and
 - (f) complies with:
 - (i) the signage requirement for each indoor space and outdoor space accessible to members of the public; and
 - (ii) the cleaning requirement.
- (5) A person who owns, operates or controls a food and drink facility that is not located inside a food court may operate that facility for seated service if that person:
- (a) permits service of food or drinks only to members of the public who are seated; and
 - (b) ensures not more than 10 members of the public are permitted in the facility per group booking (with any infant under one year of age not counting in this limit); and
 - (c) for indoor spaces at the facility, limits (with any infant under one year of age not counting in this limit) the number of members of the public permitted in each indoor space at the facility to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 10,provided that the total number of members of the public in all indoor spaces at the facility does not exceed 20 persons (with any infant under one year of age not counting in this limit); and

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

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

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

*Note 3: the density quotient in the **Workplace Directions (No. 8)** 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.

Permitted operations of food and drink facilities – other

- (6) A person who owns, controls or operates a food and drink facility in the Restricted 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 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
 - (c) for the purposes of providing food or drink to homeless persons.
- (7) A person who owns, operates or controls a food or drink facility that is permitted to operate under subclause (6)(b)(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.

Permitted operations of food and drink facilities – live music in an outdoor space

- (8) 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 for the purpose of hosting or providing a venue for a live music performance if:
 - (a) the food and drink facility operates in accordance with clause 12; and
 - (b) the live music performance is wholly in an outdoor space; and

- (c) each person involved in the live music performance:
 - (i) maintains a distance of at least 5 metres from all members of the public at all times during the live music performance; and
 - (ii) is not directly above any member of the public at any time during the live music performance; and
 - (iii) maintains a distance of at least 2 metres from each other person involved in the live music performance at all times during the live music performance; and
 - (iv) wears a face covering, except where doing would impede the live music performance or where an exemption applies to the performer in accordance with clause (5)(9) and (10) of the **Stay Safe Directions (Melbourne)**; and

Examples: a singer or woodwind instrumentalist would be impeded in their performance if required to wear a mask while performing and therefore is not required to do so.
- (d) the person ensures that where any shared equipment is to be used, it is cleaned between each user; and
- (e) the person complies with:
 - (i) the signage requirement for each outdoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement.

13 Accommodation facilities

- (1) A person who owns, controls or operates an **accommodation facility** in the Restricted 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 – permitted purposes

- (3) A person who owns, controls or operates an accommodation facility in the Restricted 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: where an accommodation facility opens as an exclusive facility for a single school, that school must be in the Restricted Area.

Permitted operations – camping ground

- (4) A person who owns, controls or operates a camping ground in the Restricted Area may operate that facility for the purposes of providing accommodation if communal facilities (including toilet facilities) are closed or not available for public use.

14 Swimming pools, hydrotherapy pools and chlorinated spas

- (1) A person who owns, controls or operates a premises in the Restricted 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 Restricted Area if the swimming pool or chlorinated spa is not available to the public.

Permitted operations – swimming pools and chlorinated spas for professional or high performance sport training or competition

- (3) A person who owns, controls or operates a swimming pool or chlorinated spa in the Restricted Area may permit a person to use a swimming pool, chlorinated spa and facilities if the swimming pool or chlorinated spa is only available for the exclusive use of professional or high performance sport training or competition.

- (4) A person who operates a facility under subclause (3) must:

- (a) only permit a person to attend the facility if the person is necessary for the management or maintenance of the facility or necessary for the professional or high performance sport training or competition; and

Examples: coaching staff of a professional or high performance sport team and persons necessary and employed or engaged in the management or maintenance of the facility are permitted to attend.

Note: spectators are not necessary and not permitted to attend.

- (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.

Permitted operations – outdoor swimming pools and chlorinated spas

- (5) A person who owns, controls or operates an outdoor swimming pool (which may include a chlorinated spa) in the Restricted Area may permit members of the public to use the swimming pool, chlorinated spa and facilities 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 swimming pool (which may include a chlorinated spa) 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 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 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 swimming pool or chlorinated spa is only available for the exclusive use of:
- (a) members of the public participating in community sport undertaken in accordance with the directions on community sport under clause 8; 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 pools for educational or workplace purposes

- (9) A person who owns, controls or operates a swimming pool in the Restricted 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 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 – swimming pools and hydrotherapy pools for hydrotherapy services

- (10) A person who owns, controls or operates a swimming pool or hydrotherapy pool 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
- Note: access is permitted to change rooms and toilet facilities.*
- (b) ensures that any member of the public accessing hydrotherapy services is accompanied by:
 - (i) a health worker, disability support worker or 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 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.

15 Animal facilities

- (1) A person who owns, controls or operates an animal facility in the Restricted Area must not operate 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 Restricted 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, if:
 - (a) the number of members of the public permitted in the facility at any time is limited to 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) where the maximum capacity for the facility is 500 or more, a COVIDSafe Plan for the facility is published on the facility's Internet site prior to the first opening of the facility; and
 - (e) any food and drink facility operates in accordance with clause 12; 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 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 per cent 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 (Melbourne)**; and
 - (d) a COVIDSafe Plan is in place for the facility; and
 - (e) any food and drink facility operates in accordance with clause 12; 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 Restricted 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.

16 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 no more than 10 members of the public (excluding the residents of the property) from a maximum of 2 ordinary places of residence are permitted at the inspection.
- (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.

17 Education and childcare facilities

Educational facilities

- (1) A person who owns, controls or operates a school or educational facility in the Restricted 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 Restricted 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 is enrolled to attend any primary or secondary school in the Restricted Area; and
 - (b) **higher education services** onsite if they are provided to a person where it is not reasonably practicable for the person to obtain the higher education services from the premises where the person ordinarily resides.

Childcare facilities

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

18 Tours and transport

Licensed tourism operator

- (1) During the restricted activity period in the Restricted Area, a licensed tourism operator may organise and operate licensed tourism services within the Restricted Area for members of the public residing in the Restricted 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 and up to 2 other persons.*

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 reasonable distance 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 Restricted Area and do not enter the Relevant Area; and
 - (g) the licensed tourism operator complies with the records requirement; and
 - (h) if any communal equipment is to be used, it must be cleaned between tours and not shared between members of the public in a tour group.
- (2) Members of the public attending a tour must comply with the face covering requirement in the **Stay Safe Directions (Melbourne)**.
 - (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.

19 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.

20 Other definitions

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 13(2);
- (2) **animal facility** has the meaning in clause 15(2);
- (3) **Area Directions (No. 9)** means the directions issued by the Chief Health Officer, setting out the **Restricted Area**;
- (4) **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;

- (5) **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**;
- (6) **bottleshop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the premises;
- (7) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (8) **bus** has the same meaning as in the **Bus Safety Act 2009**;
- (9) **bus service** has the same meaning as in the **Bus Safety Act 2009**;
- (10) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (11) **care facility** has the same meaning as in the **Care Facilities Directions (No. 14)**;
- (12) **childcare facility** means a facility providing a **childcare or early childhood service**;
- (13) **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;
- (14) **cleaned** has the same meaning as in the **Workplace Directions (No. 8)**;
- (15) **cleaning requirement** has the same meaning as in the **Workplace Directions (No. 8)**;
- (16) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (17) **community facility** has the meaning in clause 7(2);
- (18) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions (No. 8)**;
- (19) **density quotient** has the same meaning as in the **Workplace Directions (No. 8)**;
- (20) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (21) **Directions currently in force** has the same meaning as in the **Area Directions (No. 9)**;
- (22) **entertainment facility** has the meaning in clause 9(2);
- (23) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (24) **face covering** has the same meaning as in the **Workplace Directions (No. 8)**;
- (25) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (26) **food and drink facility** has the meaning in clause 12(2);
- (27) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (28) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (29) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (30) **hairdressing** has the same meaning as in the PHW Act;
- (31) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the PHW Act;

- (32) **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;
- (33) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 13)**;
- (34) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (35) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are temporary (in a food and drink facility only) or 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;
- (36) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (37) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (38) **licensed premises** has the meaning in clause 5(2);
- (39) **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**;
- (40) **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;
- (41) **live performer** means a person who provides a live music performance at an **outdoor space** of a **food and drink facility** in accordance with clause 12(8);
- (42) **market** means a public market, whether indoor or outdoor, including a food market;
- (43) **market stall** means a stall within a **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) **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**;
- (46) **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;
- (47) **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 professional sport events.
- (48) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;

- (49) **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;
- (50) **outdoor space** means a space that is not an **indoor space**;
- (51) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (52) **physical recreational facility** has the meaning in clause 6(2);
- (53) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (54) **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;
- (55) **playground** means publicly accessible outdoor play equipment in a public park;
- (56) **premises** has the same meaning as in the PHW Act;
- (57) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (58) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (59) **records requirement** has the same meaning as in the **Workplace Directions (No. 8)**;
- (60) **Relevant Area** means the area of Victoria outside the Restricted Area;
- (61) **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;
- (62) **religious practitioner** has the same meaning as subsection 995-1(1) of the **Income Tax Assessment Act 1997** of the Commonwealth;
- (63) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No. 14)**;
- (64) **restricted activity period** has the meaning in clause 4;
- (65) **Restricted Area** has the same meaning as in the **Area Directions (No. 9)**;
- (66) **restricted retail facility** has the meaning in clause 11(2);
- (67) **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;
- (68) **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;
- (69) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (70) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (71) **seated outdoor space** means an **outdoor space** with fixed seating;
- (72) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (73) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (74) **sexually explicit entertainment venue** means a venue at which **sexually explicit entertainment** is provided;
- (75) **signage requirement** has the same meaning as in the **Workplace Directions (No. 8)**;
- (76) **vehicle** has the same meaning as in the PHW Act;
- (77) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;

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

21 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 27 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. 10)**

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. 9)** restricting activities in areas of Victoria, and provide for circumstances in which:
 - (a) an indoor **physical recreational facility** is permitted to operate; and
 - (b) an indoor religious gathering or ceremony is permitted with up to 20 **members of the public**; and
 - (c) an **outdoor** religious gathering or ceremony is permitted with up to 50 members of the public; and
 - (d) a **food court** is permitted to operate; and
 - (e) an indoor swimming pool facility is permitted to be operated for use by members of the public aged 19 years or over; and
 - (f) **licensed tourism operators** are permitted to use enclosed **vehicles** in the delivery of **licensed tourism services**; and
 - (g) a live music performance is permitted in an **outdoor space** of a **food and drink facility**.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Non-Melbourne) (No. 10)**.

3 Revocation

The **Restricted Activity Directions (Non-Melbourne) (No. 9)** are revoked at 11:59:00 pm on 27 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 27 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 12; or
 - (c) providing accommodation in accordance with clause 13.

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 11 (***restricted retail facilities***), 12 (***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 11 (***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 – indoor activities for persons aged 19 years and over

- (3) Despite subclause (1), a person who owns, controls or operates a facility under subclause (2)(a) (indoor sport or physical recreational facility) or (2)(c) (personal training facility) in the Relevant Area may operate that facility for the purpose of indoor physical recreation use by members of the public aged 19 years and older if:
 - (a) the number of members of the public permitted in each indoor space and in each group, class or session at any time is limited to the lesser of:
 - (i) the number calculated by dividing the total publicly accessible area of the indoor space (measured in square metres) by 8; and
 - (ii) 10; and
 - (b) the number of members of the public permitted in the facility at any time is limited to the lesser of:
 - (i) the number calculated by dividing the aggregate publicly accessible area of all indoor spaces in the facility (measured in square metres) by 8; and
 - (ii) 20; 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) if any shared equipment is to be used, it must be cleaned between each user; and
 - (e) there is no physical contact, other than in an emergency, between a member of the public and any other person otherwise permitted to attend the facility; and
 - (f) only one class or session commences at a given time and that time is at least 15 minutes after any other class or session has commenced; and
 - (g) the facility has a **COVID Marshal** onsite during the operating hours of the facility; and
 - (h) the person complies with the records requirement and the **restricted area requirement**.

*Note: all persons at an indoor sport or physical recreational facility or personal training facility are required to wear a face covering other than when engaged in any strenuous physical exercise or where an exemption applies, in accordance with clause 5 (11) and (12) of the **Stay Safe Directions (Non-Melbourne)** (No. 6). All persons should ensure that duration of the 'strenuous exercise' exemption is as limited as possible.*

Permitted operations – indoor activities for persons aged 18 years and under

- (4) Despite subclause (1), a person who owns, controls or operates a facility under subclause (2)(a) (indoor sport or physical recreational facility), (2)(c) (personal training facility) or (2)(f) (trampolining centre) in the Relevant Area may operate that facility for the purpose of indoor physical recreation and indoor community sport (in accordance with clause 8(2)) use by members of the public aged 18 years and under if:
 - (a) to the extent the facility is used by a child or infant who is:
 - (i) unable to participate independently or is otherwise required to participate with or be supervised by a carer, parent or guardian; or

- (ii) able to participate 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 with that child or infant; and

Note: if a person permitted to attend the facility under paragraph (a) is a carer, parent or guardian of any other child or dependant, and the person cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave the child or dependant unattended so that the person can attend the facility under paragraph (a) without the child or dependant, then the child or dependant may accompany the person when attending the facility in accordance with under paragraph (a).

- (b) the number of members of the public permitted in the facility at any time is limited to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 20; 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) there is no physical contact, other than in an emergency, between a member of the public and any other person otherwise permitted to attend the facility.
- (5) A member of the public aged 18 years or under must only participate in an indoor physical recreation activity or indoor community sport in accordance with subclause (4) if it is **non-contact**.

Permitted operations – outdoor activities

- (6) Despite subclause (1), a person who owns, controls or operates a facility under subclause (2)(a) (indoor sport or physical recreational facility), (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 subclause (6)(b)(ii) or clause 8 (community sport), not more than 10 in total at the outdoor facility at any one time, except where a reasonable distance can be maintained at all times; and

Example: at a golf course, there may be multiple groups of 10 people, so long as a reasonable distance 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 each user.
- (7) Despite subclause (6), a person who owns, controls or operates a facility under subclause (2)(a) (indoor sport or physical recreational facility), (2)(b) (outdoor sport or physical recreational facility) or (2)(c) (personal training facility) may operate that facility for the purposes of outdoor sport or physical recreation or personal training, 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 or high performance sport training or competition

- (8) Despite subclauses (1) to (7), a person who owns, controls or operates a physical recreational facility in the Relevant Area may operate that facility if it is operated for the exclusive use of professional or high performance sport training or competition.
- (9) A person who operates a facility under subclause (8) must:
- (a) only permit a person to attend the facility if the person is necessary for the management or maintenance of the facility or necessary for the professional or high performance sport training or competition; and
Examples: coaching staff of a professional or high performance sport team and persons necessary and employed or engaged in the management or maintenance of the facility are permitted to attend.
Note: spectators are not necessary and not permitted to attend.
 - (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.

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.

7 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 in accordance with subclause (3); 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
 - (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. 6)**, plus the minimum number of persons 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. 6)**; 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.

8 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.

Note 1: a reference in this subclause to members of the public participating is not intended to apply to a referee or trainer or a carer, parent or guardian of a person with a disability.

Note 2: if a carer, parent or guardian of a person with a disability is a carer, parent or guardian of any other child or dependant, and the person cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave the child or dependant unattended so that the person can participate or supervise without the child or dependant, then the child or dependant may accompany the person when participating or supervising.

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 in the Relevant Area; and
 - (c) it does not involve a participant who ordinarily resides in the Restricted Area; and
 - (d) subject to clause (6)(4)(b), no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
 - (e) no more than 10 members of the public participate for individual events.

Example: running and cycling are individual events.

Note 1: a reference in this subclause to members of the public participating is not intended to apply to a referee or trainer or one carer, parent or guardian of a child or dependant required to supervise the child or dependant or one carer, parent or guardian of a person with a disability.

Note 2: if a person permitted to supervise is a carer, parent or guardian of any other child or dependant, and the person cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave the child or dependant unattended so that the person can supervise without the child or dependant, then the child or dependant may accompany the person when supervising.

- (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

Example: cricket may be played with 2 teams of 11 players and the necessary coaching personnel and umpires.

- (f) no more than 10 members of the public participate for individual events.

Example: running and cycling are individual events.

Note 1: a reference in this subclause to members of the public participating is not intended to apply to a referee or trainer or one carer, parent or guardian of a child or dependant required to participate with or supervise the child or dependant or one carer, parent or guardian of a person with a disability.

Note 2: If a person permitted to participate with or supervise is a carer, parent or guardian of any other child or dependant, and the person cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave the child or dependant unattended so that they can participate or supervise without the child or dependant, then the child or dependant may accompany the person when participating or supervising.

9 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 12; or
 - (ii) providing accommodation in accordance with clause 13;
 - (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

- (6) 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 professional or high performance sport training or competition or professional sport events, if:
- (a) the number of members of the public permitted in the facility at any time is limited to the number permitted by the density quotient; and
 - (a) 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
 - (b) a **COVIDSafe Plan** is in place for the facility; and
 - (b) where the maximum capacity for the facility is 500 or more, a COVIDSafe Plan for the facility is published on the facility's Internet site prior to the first opening of the facility; and
 - (c) any food and drink facility operates in accordance with clause 12; and
 - (d) 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

- (7) 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, professional or high performance sport training or competition or professional sport 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 per cent 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. 6)**; and
 - (d) a COVIDSafe Plan is in place for the facility; and
 - (e) any food and drink facility operates in accordance with clause 12; 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

- (8) 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 – arena or stadium for professional or high performance sport training or competition or professional sport event

- (9) Despite subclause (1), a person who owns, controls or operates an arena or stadium in the Relevant Area may operate that facility for the purposes of:
- (a) providing an exclusive venue for professional or high performance sport training or competition; or
 - (b) a professional sport event.
- (10) A person who operates a facility under subclause (9)(a) must:
- (a) only permit a person to attend the facility if the person is necessary for the management or maintenance of the facility or necessary for the professional or high performance sport persons training or competition; and
Examples: coaching staff of a professional or high performance sport team and persons necessary and employed or engaged in the management or maintenance of the facility are permitted to attend.
Note : spectators are not necessary and not permitted to attend.
 - (b) not permit a food and drink facility to operate at the arena or stadium, other than in accordance with clause 12 and to the extent necessary to provide food and drink to persons permitted to attend the arena or stadium under subclause (10)(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.
- (11) A person who operates a facility under subclause (9)(b) must:
- (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 the professional sport event or the broadcasting of the professional sport event; and
Examples: only those persons necessary and employed or engaged in the management or maintenance of the facility, the conduct of the professional sport event or the broadcasting of the professional sport event are permitted to attend a professional sport event.
Note: spectators are not necessary and not permitted to attend a professional sport event.
 - (b) not permit a food and drink facility to operate at the arena or stadium, other than in accordance with clause 12 and to the extent necessary to provide food and drink to persons permitted to attend the arena or stadium under subclause (11)(a); and

- (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 – arena or stadium for single school use

- (12) 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 providing an exclusive venue for a single school to use at any one time for educational purposes.

Permitted operations – drive-in cinemas

- (13) 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) where the maximum capacity for the facility is 500 or more, a COVIDSafe Plan for the facility is published on the facility's Internet site prior to the first opening of the facility; and
 - (f) any food and drink facility operates in accordance with clause 12; 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.

10 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 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. 6)**; or

*Note: the **Stay Safe Directions (Non-Melbourne) (No. 6)** limit the number of people who may attend a wedding at non-residential premises located in the Relevant Area to 10 people (plus the marrying couple, the celebrant and a photographer) and a funeral at non-residential premises located in the Relevant Area to 50 people outdoors or 20 people indoors 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 outdoor religious gatherings or ceremonies; or
Examples: mass, Eucharist, blessings.
- (e) conducting indoor religious gatherings or ceremonies.
Examples: mass, Eucharist, blessings.
- (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 religious gathering or ceremony is to be held outdoors under subclause (2)(d) then:
 - (a) up to a maximum of 50 members of the public are permitted to attend each religious gathering or ceremony; and
 - (b) in addition to the maximum of 50 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; and
 - (e) no wedding or funeral is to be held indoors or outdoors under clause 2(a) at or proximate to the place of worship at the same time; and
 - (f) no religious gathering or ceremony is to be held indoors at the place of worship under subclause (2)(e) at the same time.
- (5) If a place of worship is to hold one or more religious gatherings or ceremonies indoors under subclause (2)(e) then:
 - (a) the number of members of the public permitted in the place of worship at any one time is limited to the lesser of:
 - (i) the aggregate number permitted by the density quotient at the place of worship; and
 - (ii) 20; and
 - (b) the number of members of the public permitted for each group attending a religious gathering or ceremony in an indoor space must be limited to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 10;and each group must maintain a distance of at least 10 metres from each other group or be in a separate indoor space at all times; and
Note: up to 20 members of the public in multiple groups of up to 10 may attend a religious gathering or ceremony in a single indoor space of a place of worship, provided that the indoor space is suitable to meet the density quotient for the number of people in attendance and each group is able to maintain a distance of at least 10 metres from each other.
 - (c) in addition to the maximum number of members of the public permitted to attend a religious gathering or ceremony under subclause (5)(b):
 - (i) if there is only one group of members of the public in an indoor space at which a religious gathering or ceremony is being held, one religious practitioner employed or otherwise engaged by a religious institution must be present at the indoor space in order to lead the religious gathering or ceremony; and

- (ii) if there is more than one group of members of the public in any one indoor space at which a religious gathering or ceremony is being held, in addition to the religious practitioner required to be present under subclause (c)(i), one religious practitioner employed or otherwise engaged by a religious institution may be present in the indoor space in order to lead the religious gathering or ceremony in respect of each group; and
 - (iii) if there is more than one indoor space at which a religious gathering or ceremony is being held, one religious practitioner employed or otherwise engaged by a religious institution must be present in each indoor space in order to lead the religious gathering or ceremony in respect of each group in each indoor space; and
 - (d) each religious gathering or ceremony must be limited to 90 minutes; and
 - (e) no food, drink, crockery, utensils, vessels or other equipment are permitted to be shared by participants; and
 - (f) no wedding or funeral is to be held indoors or outdoors under clause 2(a) at or proximate to the place of worship at the same time; and
 - (g) no religious gathering or ceremony is to be held outdoors under subclause (2)(d) proximate to the place of worship at the same time.
- (6) 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.

11 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:
 - (a) the person only provides services or procedures that would be able to be provided if the client is wearing a face covering; 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) a client wears a face covering for the duration of the service or procedure, other than where the client is exempt from the requirement to wear a face covering in accordance with clause 5(11) and (12) of the **Stay Safe Directions (Non-Melbourne) (No. 6)**; and

Examples: a person under the age of 12 years or a person who has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable, is not required to wear a face covering.

- (c) 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.

Permitted operations – open retail facilities, markets and retail shopping centres

- (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 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.

12 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, controls or operates a food court may operate that food court to permit members of the public to consume food or drinks if that person:
 - (a) limits the number of members of the public in an indoor space at the food court to the lesser of:

- (i) the number calculated by dividing the total publicly accessible area of the indoor space (measured in square metres) by 8; and
- (ii) 25 per cent of the maximum fixed seating capacity of the food court
- (b) limits the number of members of the public at each table at an indoor space at the food court to 2 (with any child or dependant in the presence of a carer, parent or guardian not counting in this limit); and
- (c) limits the number of members of the public in an outdoor space at the food court to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 50; and
- (d) ensures that, where there are multiple food courts in outdoor spaces at a single facility:
 - (i) each food court in an outdoor space is at least 10 metres away from each other food court in an outdoor space; and
 - (ii) the total number of food courts in outdoor spaces does not exceed 4; and

Example: a shopping centre with one outdoor food court on the ground level and one on the top level.

- (e) limits the number of members of the public at each table (or group of tables) in an outdoor space at the food court to 10 (with any child or dependant in the presence of a carer, parent or guardian not counting in this limit); and
- (f) complies with:
 - (i) the signage requirement for each indoor space and outdoor space accessible to members of the public; and
 - (ii) the cleaning requirement.
- (5) 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 40 persons (with any infant under one year of age not counting in this limit); and

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

- (d) for outdoor spaces at the facility, limits (with any infant under one year of age not counting in this limit) the number of members of the public and **live performers** 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 and live performers will apply, subject to the density quotient.

*Note 3: the density quotient in the **Workplace Directions (No. 8)** 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.

Permitted operations of food and drink facilities – other

- (6) 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 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
 - (c) for the purposes of providing food or drink to homeless persons.
- (7) A person who owns, operates or controls a food or drink facility that is permitted to operate under subclause (6)(b)(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.

Permitted operations of food and drink facilities – live music in an outdoor space

- (8) 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 for the purpose of hosting or providing a venue for a live music performance if:
 - (a) the food and drink facility operates in accordance with clause 12; and
 - (b) the live music performance is wholly in an outdoor space; and
 - (c) each person involved in the live music performance:

- (i) maintains a distance of at least 5 metres from all members of the public at all times during the live music performance; and
 - (ii) is not directly above any member of the public at any time during the live music performance; and
 - (iii) maintains a distance of at least 2 metres from each other person involved in the live music performance at all times during the live music performance; and
 - (iv) wears a face covering, except where doing would impede the live music performance or where an exemption applies to the performer in accordance with clause (5)(11) and (12) of the **Stay Safe Directions (Non-Melbourne) (No. 6)**; and
- Examples: a singer or woodwind instrumentalist would be impeded in their performance if required to wear a mask while performing and therefore is not required to do so.*
- (d) the person ensures that where any shared equipment is to be used, it is cleaned between each user; and
 - (e) the person complies with:
 - (i) the signage requirement for each outdoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement.

13 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 subclause (3)(a)(iii)(B) is a carer, parent

or guardian of any other child or dependant, and the person cannot access any alternative care arrangements (whether on a paid or voluntary basis) or leave the child or dependant unattended so that the person can use the accommodation facility without the child or dependant, then the child or dependant may accompany the 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:
 - (i) persons who ordinarily reside in the same premises or are in an intimate personal relationship with each other; or
 - (ii) up to 2 persons of the same booked group who do not ordinarily reside in the same premises, and one additional person of the same booked group per additional 4 square metres beyond 12 square metres; and
 - (c) they use all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
 - (d) not more than 20 members of the public are permitted to stay in the facility at any time.

Permitted operations – alpine resort employees

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

- personal relationship with each other; or
- (ii) one person; and
- (b) if a bedroom of the facility has an area of 12 square metres or more, only the following are permitted to be booked to stay in that bedroom:
 - (i) persons who ordinarily reside in the same premises or are in an intimate personal relationship with each other; or
 - (ii) up to 2 persons, and one additional person per additional 4 square metres beyond 12 square metres.

Permitted operations – other purposes

- (6) A person who owns, controls or operates an accommodation facility in the Relevant Area may operate that facility for the purposes of providing accommodation:
 - (a) to a person whose place of residence is the accommodation facility; or
 - (b) to a person who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria; or
 - (c) to a person who has a permanent place of residence in Victoria, but that place is temporarily unavailable; or
 - (d) to a person, on a temporary basis, for work purposes; or
 - (e) to a person who was a temporary guest of the accommodation facility on the date that these directions were given; or
 - (f) to a person who requires emergency accommodation, including in relation to family violence and other vulnerable groups; or
 - (g) to a person who requires accommodation for work purposes, where their work is for the purposes of responding to the state of emergency in existence under the PHW Act; or
 - (h) to a person who is subject to a **Direction and Detention Notice** or the **Diagnosed Persons and Close Contacts Directions (No. 12)**; or
 - (i) as an exclusive facility for a single school at any one time for educational purposes.

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

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

14 Swimming pools, hydrotherapy pools and chlorinated spas

- (1) A person who owns, controls or operates a 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 to the public.

Permitted operations – swimming pools and chlorinated spas for professional or high performance sport training or competition

- (3) A person who owns, controls or operates a swimming pool or chlorinated spa in the Relevant Area may permit a person to use a swimming pool, chlorinated spa and facilities if the swimming pool or chlorinated spa is only available for the exclusive use of professional or high performance sport training or competition.
- (4) A person who operates a facility under subclause (3) must:

- (a) only permit a person to attend the facility if the person is necessary for the management or maintenance of the facility or necessary for the professional or high performance sport training or competition; and

Examples: coaching staff of a professional or high performance sport team and persons necessary and employed or engaged in the management or maintenance of the facility are permitted to attend.

Note: spectators are not necessary and not permitted to attend.

- (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.

Permitted operations – outdoor swimming pools and chlorinated spas

- (5) A person who owns, controls or operates an outdoor swimming pool (which may include a chlorinated spa) in the Relevant Area may permit members of the public to use the swimming pool, chlorinated spa and facilities 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 swimming pool (which may include a chlorinated spa) 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 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 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 swimming pool or chlorinated spa is only available for the exclusive use of:
 - (a) members of the public participating in community sport undertaken in accordance with the directions on community sport under clause 8; or
 - (b) a single school at any one time for educational purposes.

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

- (7) A person who operates a facility under subclause (6) must 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 pools for educational or workplace purposes

- (9) A person who owns, controls or operates a swimming pool 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 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 pools for recreational use

- (10) A person who owns, controls or operates an indoor swimming pool (which may include a chlorinated spa) in the Relevant Area may operate that facility for the recreational use (including swimming lessons) of members of the public if the person:
- (a) ensures that no access is permitted to saunas within the facility; and
 - (b) 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 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.

- (c) 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
- (d) 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 pools or hydrotherapy pools for hydrotherapy services

- (11) A person who owns, controls or operates a swimming pool or hydrotherapy pool in the Relevant 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
- Note: access is permitted to change rooms and toilet facilities.*
- (b) ensures that any member of the public accessing hydrotherapy services is accompanied by:
 - (i) a health worker, disability support worker or 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) 20 in any pool; and
- (ii) in respect of the water and non-water parts of the facility, the number permitted by the density quotient; and

Note 1: the limits on persons under paragraph (d) apply to all persons, including members of the public accessing hydrotherapy services and any other person accompanying them.

Note 2: the relevant density quotient applicable is one person per every 4 square metres.

- (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.

15 Animal facilities

- (1) A person who owns, controls or operates an **animal facility** in the Relevant Area must not operate 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, if:
 - (a) the number of members of the public permitted in the facility at any time is limited to 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) where the maximum capacity for the facility is 500 or more, a COVIDSafe Plan for the facility is published on the facility's Internet site prior to the first opening of the facility; and
 - (e) any food and drink facility operates in accordance with clause 12; 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 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 per cent 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. 6)**; and
 - (d) a COVIDSafe Plan is in place for the facility; and
 - (e) any food and drink facility operates in accordance with clause 12; 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.

16 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. 6)**.
- (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.

17 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

Example: once year 12 students in the Relevant Area are permitted to return to school, a year 12 student who ordinarily lives in the Restricted Area who is enrolled to attend school at a boarding school based in the Relevant Area is permitted to attend that school, subject to the student or the parent or guardian of the student attesting to certain matters.

- (C) the school maintains daily observation of the person for a period of 14 days after the person returns to school and maintains written records recording daily whether the person displays one or more 2019-nCov Symptoms; and
- (iii) to a person who is enrolled to attend any primary or secondary school in the Relevant Area (excluding a person who ordinarily resides in the Restricted Area who is enrolled at a boarding school located in the Relevant Area); and
- (b) **higher education services** onsite if they are provided to a person who ordinarily resides in the Relevant Area or the Restricted Area where it is not reasonably practicable for the person to obtain the higher education services from the premises where the person ordinarily resides.

Childcare facilities

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

18 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) where the provision of the licensed tourism services requires:
 - (i) the use of a large enclosed vehicle where members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other inside the vehicle, the number of members of the public permitted in the vehicle at any time is limited to 10 (with any infant under one year of age not counting in this limit); and
 - (ii) the use of a small enclosed vehicle where members of the public are not reasonably capable of maintaining a distance of 1.5 metres from each other inside the vehicle, the only members of the public permitted in the vehicle at any time is limited are:
 - (A) those persons who ordinarily reside together and any other persons with whom those people are in an intimate personal relationship; and
 - (B) 2 other persons; and
 - (C) if a person referred to in (B) is a parent, guardian or carer of a child or dependant, and the person cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave the child or dependant unattended so that the person can receive the licensed tourism services without the child or dependant, the child or dependant; and
 - (iii) of any enclosed vehicle, the maximum duration of the period members of the public are permitted to be in the vehicle is 30 minutes; and

- (b) unless permitted under subclause (1)(a), the licensed tourism services are provided wholly in an outdoor space:

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

Note: 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.

- (i) 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
- (ii) 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.

- (iii) not more than one tour group attend the same outdoor space at any one time, except where a reasonable distance between groups can be maintained at all times; and
- (iv) 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

- (c) the licensed tourism services only originate, occur and conclude within the Relevant Area and do not enter the Restricted Area; and
- (d) the licensed tourism operator complies with the records requirement; and
- (e) 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. 6)**.

- (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.

19 Restricted area requirement

- (1) A person who is required to comply with the restricted area requirement must use all reasonable endeavours to:

- (a) determine, as soon as practicable after each member of the public makes 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 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 13(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. 6), 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 those directions.*

*Note 2: under the **Stay Safe Directions (Melbourne)**, 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 those directions.*
 - (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 or after 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 Safe Directions (Melbourne)**.*

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).

20 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.

21 Other definitions

For the purposes of these directions:

- (1) **2019-nCoV Symptoms** has the same meaning as in the **Workplace Directions (No. 8)**;
- (2) **accommodation facility** has the meaning in clause 13(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 15(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) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (12) **childcare facility** means a facility providing a **childcare or early childhood service**;
- (13) **childcare or early childhood service** means 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;

- (14) **cleaned** has the same meaning as in the **Workplace Directions (No. 8)**;
- (15) **cleaning requirement** has the same meaning as in the **Workplace Directions (No. 8)**;
- (16) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (17) **community facility** has the meaning in clause 7(2);
- (18) **COVID Marshal** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions (No. 10)**;
- (19) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions (No. 8)**;
- (20) **density quotient** has the same meaning as in the **Workplace Directions (No. 8)**;
- (21) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (22) **Directions currently in force** has the same meaning as in the **Area Directions (No. 9)**;
- (23) **entertainment facility** has the meaning in clause 9(2);
- (24) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (25) **face covering** has the same meaning as in the **Workplace Directions (No. 8)**;
- (26) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (27) **food and drink facility** has the meaning in clause 12(2);
- (28) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (29) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (30) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (31) **hairdressing** has the same meaning as in the PHW Act;
- (32) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the PHW Act;
- (33) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training;
- (34) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 13)**;
- (35) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (36) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are temporary (in a food and drink facility only) or 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;
- (37) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (38) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (39) **licensed premises** has the meaning in clause 5(2);
- (40) **licensed tourism operator** means a person granted a tour operator licence under:
 - (a) section 21B of the **Crown Land (Reserves) Act 1978**; or
 - (b) section 57F of the **Forests Act 1958**; or
 - (c) section 140I of the **Land Act 1958**; or
 - (d) section 27D of the **National Parks Act 1975**; or
 - (e) section 21B of the **Wildlife Act 1975**;

- (41) **licensed tourism services** means an activity, guided tour or recreation programme conducted or coordinated by an employee or officer of a **licensed tourism operator** that is undertaken for profit for tourism purposes including, but not limited to, ballooning, a walking or bushwalking tour, a bicycle tour, abseiling, rock climbing, canoeing, kayaking, white water rafting, diving, snorkelling, horse trail riding, marine based tours and surfing;
- (42) **live performer** means a person who provides a live music performance at an **outdoor space** of a **food and drink facility** in accordance with clause 12(8);
- (43) **market** means a public market, whether indoor or outdoor, including a food market;
- (44) **market stall** means a stall within a market;
- (45) **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;
- (46) **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;
- (47) **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 professional sport events.
- (48) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (49) **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;
- (50) **outdoor space** means a space that is not an **indoor space**;
- (51) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (52) **physical recreational facility** has the meaning in clause 6(2);
- (53) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (54) **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;
- (55) **playground** means publicly accessible outdoor play equipment in a public park;
- (56) **premises** has the same meaning as in the PHW Act;
- (57) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (58) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (59) **records requirement** has the same meaning as in the **Workplace Directions (No. 8)**;
- (60) **Relevant Area** has the meaning in clause 1(2);
- (61) **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;
- (62) **religious practitioner** has the same meaning as subsection 995-1(1) of the **Income Tax Assessment Act 1997** of the Commonwealth;

- (63) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No. 14)**;
- (64) **restricted activity period** has the meaning in clause 4;
- (65) **Restricted Area** has the same meaning as in the **Area Directions (No. 9)**;
- (66) **restricted area requirement** has the meaning in clause 19;
- (67) **restricted retail facility** has the meaning in clause 11(2);
- (68) **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;
- (69) **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;
- (70) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (71) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (72) **seated outdoor space** means an **outdoor space** with fixed seating;
- (73) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (74) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (75) **sexually explicit entertainment venue** means a venue at which **sexually explicit entertainment** is provided;
- (76) **signage requirement** has the same meaning as in the **Workplace Directions (No. 8)**;
- (77) **vehicle** has the same meaning as in the PHW Act;
- (78) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (79) **Work Premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (80) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

22 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 27 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****Metro-Regional Work Travel Permit Scheme Directions**

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

PART 1 – PRELIMINARY**1 Preamble**

- (1) The purpose of these directions is to address the serious public health risk posed to Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions replace the **Permitted Worker Permit Scheme Directions (No. 8)** and only apply to employees travelling between the **Restricted Area** and the **Relevant Area** (or vice versa).
- (3) The **Metro-Regional Work Travel Permit Scheme** details obligations on:
 - (a) employers who operate a **Work Premises** in the:
 - (i) **Restricted Area** and require an employee who ordinarily resides in the **Relevant Area**; or
 - (ii) **Relevant Area** and require an employee who ordinarily resides in the **Restricted Area**,
to attend those **Work Premises**; and
 - (b) their employees when travelling to and from those **Work Premises**.
- (4) These directions must be read together with the **Directions currently in force**.

2 Citation

- (1) These directions may be referred to as the **Metro-Regional Work Travel Permit Scheme Directions**.
- (2) The **Permitted Worker Permit Scheme Directions (No. 8)** are revoked at 11:59:00 pm on 27 October 2020.

PART 2 – METRO-REGIONAL WORK TRAVEL PERMIT SCHEME**3 Metro-Regional Work Travel Permit Scheme period**

For the purposes of these directions, the **Metro-Regional Work Travel Permit Scheme period** is the period beginning at 11:59:00 pm on 27 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 **Metro-Regional Work Travel 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 **Metro-Regional Work Travel 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 Metro-Regional Work Travel 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 Safe Directions (Melbourne)**, 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. 6)**, 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. 8)**, 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 attend a Work Premises in the:
 - (a) Restricted Area, if they ordinarily reside in the Relevant Area; or
 - (b) Relevant 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 Metro-Regional Work Travel Permit issued by their employer in relation to that Work Premises; or
 - (d) an exemption in clause 9 applies.

6 Employers' duty to issue a Metro-Regional Work Travel Permit

- (1) In circumstances where clause 5 applies, and subject to clause 9, prior to an employee who ordinarily resides in the:
 - (a) Relevant Area being permitted to attend work at a Work Premises located within the Restricted Area; or
 - (b) Restricted Area being permitted to attend work at a Work Premises located in the Relevant Area,

their employer must issue the employee with a Metro-Regional Work Travel Permit, in the approved form.

Note 1: the approved Metro-Regional Work Travel Permit form for a person who ordinarily resides in the Relevant Area attending work at a Work Premises located in the Restricted Area (and vice versa) is available at: <https://www.dhhs.vic.gov.au/metro-regional-work-travel-permit-covid-19-doc>.

Note 2: an employer is only permitted to issue a Metro-Regional Work Travel 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 employer of a sub-contractor is required to issue that person with a Metro-Regional Work Travel Permit.

- (1A) If an employer has issued an employee with a valid Permitted Worker Permit under the **Permitted Worker Permit Scheme Directions (No. 8)** or an earlier version of those directions, those permits may continue to be used for the duration of the Metro-Regional Work Travel Permit Scheme period.

- (2) In circumstances where clause 5 applies, and subject to clause 9, if a person does not have an 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 Metro-Regional Work Travel Permit in the approved form, signed as both the employer and the employee.
- (3) An employer must keep a record of all Metro-Regional Work Travel Permits they have issued during the Metro-Regional Work Travel Permit Scheme period. An employer must, on request, produce this record to an **Authorised Officer**, a Victoria Police Officer or a Protective Services Officer.
- (4) The Metro-Regional Work Travel Permit must, amongst other things:
- (a) be in the approved form; and
 - (b) only include details that are, to the best of the employer's and employee's knowledge, complete, accurate and not in any way false, misleading or deceptive; and
 - (c) record relevant details of the employer including:
 - (i) the employer's company name; and
 - (ii) the employer's ABN and/or ACN; and
 - (iii) the employer's company address; and
 - (iv) the 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 of attendance by the employee.

 - (vi) contact details of the employer (or an authorised representative of the 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 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) include a signed declaration by the employer (or an authorised representative of the employer) certifying that:
 - (i) it is not reasonably practicable for the employee to work without attending the Work Premises; and
 - (ii) the 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 employer's obligations under the **OHS Act** (or, where applicable, the **Work Health and Safety Act 2011** of the Commonwealth); and
 - (iii) the employer has a COVIDSafe Plan in accordance with the **Workplace Directions (No. 8)**; and

*Note: an employer is required to have a COVIDSafe Plan under the **Workplace Directions (No. 8)** if they require or permit work to be performed at a Work Premises.*

- (iv) the employer is and will otherwise be operating in accordance with any applicable directions issued under the PHW Act; and
- (v) the information contained within the Metro-Regional Work Travel Permit is true and correct; and

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

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

- (f) include a signed declaration by the employee certifying that:
 - (i) their own name and address as contained in the Metro-Regional Work Travel Permit are true and correct; and
 - (ii) their own place of work as contained in the Metro-Regional Work Travel Permit are true and correct; and

Note: the employee may sign electronically.

- (g) be issued, signed and dated by the employer (or an authorised representative of the employer).

Note 1: the Metro-Regional Work Travel Permit must be issued by a natural person residing in Victoria, unless there is no such person.

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

7 Employer obligations

- (1) Subject to clause 9, an 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. 8)**; or
 - (c) clause 8.
- (2) An 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 Metro-Regional Work Travel Permit that the employer has issued; or
 - (c) a worker at the employer's Work Premises.
- (3) Where an employer requires work to be performed at a Work Premises, the employer must keep a record of those who attend the Work Premises in accordance with the **Workplace Directions (No. 8)**.

8 Employee obligations

- (1) Subject to clause 9, a person must not enter:
 - (a) the Restricted Area, if the employee ordinarily resides in the Relevant Area; or
 - (b) the Relevant Area, if the employee ordinarily resides in the Restricted Area, for work if they do not hold a current Metro-Regional Work Travel Permit.
- (2) An employee must:
 - (a) carry the Metro-Regional Work Travel 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 Metro-Regional Work Travel Permit.
 - (b) 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 Metro-Regional Work Travel Permit:
 - (a) when entering the Restricted Area or Relevant Area (as applicable) for work; and
 - (b) in relation to the employee's attendances at Work Premises.

9 Exemptions

- (1) An employee is permitted to enter the Restricted Area or Relevant Area (as applicable) for work without a current Metro-Regional Work Travel Permit where:
 - (a) the primary purpose of the employee's travel is to obtain their first Metro-Regional Work Travel Permit from an 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 Metro-Regional Work Travel Permit (or a Metro-Regional Work Travel Permit that includes accurate details as to the employee's location) prior to attending the Work Premises. In these circumstances, the employee must carry a Metro-Regional Work Travel Permit in relation to the same employer which has expired or is incomplete, so that if necessary the employee's 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 enter the Restricted Area or Relevant Area (as applicable) for work without a current Metro-Regional Work Travel 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 Metro-Regional Work Travel 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 Metro-Regional Work Travel 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 Metro-Regional Work Travel Permit prior to entering the Restricted Area or Relevant Area (as applicable) for work:
 - (a) all Victoria Police employees, Australian Defence Force employees, Australian Criminal Intelligence Commission employees, Australian Border Force employees, Australian Federal Police employees and employees of government intelligence and security agencies;
 - (b) emergency service workers, which include officers and employees of:
 - (i) Ambulance Victoria; and
 - (ii) Australian Red Cross; and
 - (iii) Bushfire Recovery Victoria; and
 - (iv) Country Fire Authority; and
 - (v) Emergency Management Victoria; and
 - (vi) Emergency Services Telecommunications Authority; and

- (vii) Fire Rescue Victoria; and
- (viii) Forest Fire Management Victoria; and
- (ix) Life Saving Victoria; and
- (x) Marine Search and Rescue; and
- (xi) Victoria State Emergency Service Authority; and
- (xii) Victorian Institute of Forensic Medicine;
- (c) hospital workers and health workers (including non-emergency patient transport workers);
- (d) any class of person approved by the Chief Health Officer in writing and subject to any conditions specified by the Chief Health Officer.
- (4) A person is not required to have a Metro-Regional Work Travel 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 – OTHER PROVISIONS

10 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.

11 Other definitions

For the purposes of these directions:

- (1) **Authorised Officer** has the same meaning as in section 3 of the **PHW Act**;
- (2) **close contact** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 12)**;
- (3) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 12)**;
- (4) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (5) **Directions currently in force** has the same meaning as in the **Area Directions (No. 9)**;
- (6) **Metro-Regional Work Travel Permit** means a permit issued under clause 6;
- (7) **Metro-Regional Work Travel Permit Scheme** means the scheme established under these directions;
- (8) **Metro-Regional Work Travel Scheme period** means the period specified under clause 3;
- (9) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (10) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (11) **premises** has the same meaning as in section 3 of the **PHW Act**;
- (12) **reasonably practicable** is to have its ordinary and common sense meaning;

- (13) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (14) **Restricted Area** has the same meaning as in the **Area Directions (No. 9)**;
- (15) **vehicle** has the same meaning as in the **PHW Act**;
- (16) **Work Premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes.

12 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 27 October 2020

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

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Workplace Directions (No. 8)**

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

1 Preamble

- (1) The presence of a person with a positive diagnosis of Novel Coronavirus 2019 (**2019-nCoV**) at a **Work Premises** is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to limit the number of Victorians attending Work Premises to assist in reducing the frequency and scale of **outbreaks** of 2019-nCoV in Victorian workplaces and to establish more specific obligations on **employers** and **workers** in relation to managing the risk associated with 2019-nCoV.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions are intended to supplement any obligation an employer may have under the **OHS Act** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace Directions (No. 7)** and remove the requirement to notify WorkSafe when a Work Premises is intended to be reopened following a confirmed case in a Work Premises.

2 Citation

These directions may be referred to as the **Workplace Directions (No. 8)**.

3 Deleted clause**4 Revocation**

The **Workplace Directions (No. 7)** are revoked at 11:59:00 pm on 27 October 2020.

5 Commencement

These directions commence at 11:59:00 pm on 27 October 2020 and end at 11:59:00 pm on 8 November 2020.

6 Operation of a Work Premises

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

*Note: the **Stay Safe Directions (Melbourne)** and the **Stay Safe Directions (Non-Melbourne) (No. 5)** permit a person to leave the premises where they ordinarily reside to attend work only if it is not reasonably practicable to work from their premises.*

- (2) An employer must comply with the **Metro-Regional Work Travel Permit Directions** and the **Workplace (Additional Industry Obligations) Directions (No. 10)** where it applies to that employer.
- (3) Where an employer permits or requires work to be performed at a Work Premises, the employer must comply with clauses 7 to 9.

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

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

Note 1: face shields on their own do not meet the face covering requirements. Please refer to the Department of Health and Human Services' guidelines for further information.

(2) Subclause (1) does not apply if:

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

Note: a worker is required to wear a face covering at all other times when the circumstances above do not apply.

Example: a worker must wear a face covering when using ingress and egress points to the employer's premises, or other facilities such as toilets.

COVIDSafe Plan

(3) Subject to subclause (5), an employer must, for each Work Premises:

- (a) have in place a COVIDSafe Plan, which addresses the health and safety issues arising from 2019-nCoV, including but not limited to:

Note 1: employers can use the template plan accessible from the following website for guidance: www.business.vic.gov.au/disputes-disasters-and-succession-planning/covid-safe-business/creating-a-covid-safe-workplace#yourcovidSAFEplan.

*Note 2: some employers, regardless of whether their Work Premises is located in or outside the Restricted Area, will be required to have a High Risk COVIDSafe plan as set out in the **Workplace (Additional Industry Obligations) Directions (No. 10)**.*

- (i) the employer's process for implementing the record-keeping obligation under subclause (7);
- (ii) the appropriate level of **PPE** to be worn at the Work Premises;
- (iii) actions taken by the employer to mitigate the introduction of 2019-nCoV at the Work Premises;

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

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

Record-keeping obligations (records requirement)

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

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

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

Density quotient (Density quotient)

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

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

*Note 2: in relation to a school, non-school senior secondary providers, or childcare or early childhood service using facilities other than the school or childcare premises, the density quotient of the relevant facility and the relevant requirements of the facilities' COVIDSafe Plan will apply to the school, non-school senior secondary providers, or childcare or early childhood service use of that facility. As an alternative to using the facility's COVIDSafe Plan, the school, non-school senior secondary providers, or childcare or early childhood service may apply their own COVIDSafe Plan to the use of the facility, so long as it has been adjusted so that it is fit for purpose taking into account the unique features of the relevant facility. If the facility is being used exclusively by a single school, non-school senior secondary providers, or childcare or early childhood service for educational purposes, the restrictions and guidance on teachers, staff, students and children under the **Restricted Activity Directions (Melbourne)** or **Restricted Activity Directions (Non-Melbourne)** (No. 9) (as applicable) apply in relation to the school, non-school senior secondary providers, or childcare or early childhood service having exclusive use of that facility.*

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

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

*Note: the number of people allowed in a shared space or publicly accessible area may be subject to any cap under the **Restricted Activity Directions (Melbourne)** or the **Restricted Activity Directions (Non-Melbourne)** (No. 9) that is less than the number of people allowed under the density quotient.*

Example:

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

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

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

Signage requirements (signage requirement)

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

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

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

Cleaning requirements (cleaning requirement)

- (14) An employer must take all reasonable steps to ensure that shared spaces at which work is performed and areas accessible to members of the public at any Work Premises are **cleaned** on a regular basis, including:
 - (a) frequently touched surfaces, including toilets and handrails, are cleaned at least twice on any given day; and
 - (b) surfaces are cleaned when visibly soiled; and
 - (c) if an event is to occur, a reasonable period of time has elapsed since the conclusion of any earlier event to allow for cleaning in between the events; and
 - (d) surfaces accessible to a particular group are cleaned between groups; and

Example: cleaning surfaces between shifts of workers.

 - (e) surfaces are cleaned immediately after a spill on the surface.
- (15) To ensure a surface is cleaned for the purposes of these directions, a person must wipe the surface with a disinfectant:
 - (a) the label of which states a claim by the manufacturer that the disinfectant has anti-viral properties; or
 - (b) made by a person according to instructions issued by the Department.

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

Reducing work across multiple sites

- (17) Subject to subclause (18), an employer must not require or permit a worker to perform work at more than one Work Premises of the employer.
- (18) Subclause (17) does not apply where it is not practicable to limit a worker to only one Work Premises.

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

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

Example: rosters.

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

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

- (1) An employer must not require a worker to perform work at a Work Premises if the worker is displaying one or more **2019-nCoV Symptoms**.
- (2) As soon as practicable after becoming aware of a suspected case in a worker who has attended a Work Premises in the period commencing 48 hours prior to the onset of symptoms, an employer must:
- (a) advise the worker to **self-isolate** immediately and support the worker in doing so, by either:
 - (i) directing the worker to travel home immediately (and providing support to the worker to do so); or
 - (ii) where the worker is unable to travel home immediately, directing the worker to isolate themselves at the Work Premises and, whilst doing so, to wear a face covering and remain at least 1.5 metres from any other person at the Work Premises, until the worker can return home later that day to self-isolate; and
 - (b) advise the worker to be tested for 2019-nCoV as soon as practicable, and to self-isolate whilst awaiting the result of that test; and
 - (c) take all reasonably practicable steps to manage the risk posed by the suspected case, including but not limited to:
 - (i) cleaning areas of the Work Premises used by the suspected case (including their personal workspace and any areas in the Work Premises frequently used by the suspected case);
 - (ii) cleaning high-touch surfaces at the Work Premises likely to have been frequented by the suspected case; and

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

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

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

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

- (e) inform all workers (including the **health and safety representative**) to be vigilant about the onset of symptoms of 2019-nCoV and advise all workers to be tested for 2019-nCoV and self-isolate if they become symptomatic.

- (3) If an employer becomes aware of three or more suspected cases in relation to workers at one Work Premises within a five day period, the employer must, as soon as practicable, undertake a risk assessment to determine whether the Work Premises (or the relevant parts of the Work Premises) must be closed to allow appropriate action to be taken.

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

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

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

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

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

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

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

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

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

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

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

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

9A Relationship with other directions

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

10 Other definitions

For the purposes of these directions:

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

- (20) **indoor space** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne) (No. 9)**;
- (21) **indoor zone** means a section of an **indoor space** that:
 - (a) is of at least 200 square metres in area; and
 - (b) is designated by the person who owns, controls or operates the indoor space as being for the exclusive use of specified members of the public; and
 - (c) is delineated by landmarks or visible markings;
- (22) **inspector** has the same meaning as in the **OHS Act**;
- (23) **market** means a public market, whether indoor or outdoor, including a food market;
- (24) **member of the public** is a person but does not include:
 - (a) a person who is an employee of an operator of the facility or venue; or
 - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (25) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (26) **outbreak** means:
 - (a) a single confirmed case of 2019-nCoV in a resident, staff member or frequent attendee of a residential aged care facility; or
 - (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;

Note: transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. Also, in some circumstances, the Department may identify other settings that are sensitive and where a single confirmed case will trigger an outbreak response. Relevant parties will be informed if this occurs. Determining whether a person is a frequent or infrequent visitor may be based on frequency of visits, time spent in the setting, and number of contacts within the setting.
- (27) **outdoor space** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne) (No. 9)**;
- (28) **passenger services** has the same meaning as in the **Transport Integration Act 2010**;
- (29) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (30) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (31) **PPE** means personal protective equipment;
- (32) **premises** has the same meaning as in the **PHW Act**;
- (33) **reasonably practicable** is to have its ordinary and common sense meaning;
- (34) **records requirement** has the meaning in clause 7(7) to (9) (both inclusive);
- (35) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (36) **Relevant Period** has the meaning given in clause 9(1);
- (37) **Restricted Area** has the meaning in the **Area Directions (No. 9)**;
- (38) **retail facility** includes any facility that is used wholly or predominantly for:
 - (a) the sale or hire of goods by retail; or
 - (b) the retail provision of services;
- (39) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (40) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (41) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 12)**;
- (42) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 12)**;

- (43) **signage requirement** has the meaning in clause 7(12) and (13);
- (44) **suspected case** means a person who is displaying one or more **2019-nCoV Symptoms**;
- (45) **vehicle** has the same meaning as in the **PHW Act**;
Work Premises means the **premises** of an **employer** in which work is undertaken, including any **vehicle** whilst being used for work purposes, but excluding an employee's ordinary place of residence; *Note 2: this includes a community facility such as a community centre or community hall, or a public library, or a place of worship.*
- (46) **WorkSafe** means WorkSafe Victoria;
- (47) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work.

11 Penalties

- (1) 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 27 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. 10)**

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** and the **Workplace Directions (No. 8)** and the **Metro-Regional Work Travel Permit Directions** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace (Additional Industry Obligations) Directions (No. 9)** and makes minor amendments and:
 - (a) removes the construction sites, retail facilities and medical supply, pharmaceutical supply and personal protective equipment supply facilities from this direction;
 - (b) removes workforce caps for manufacturing, wholesale trade and warehousing;
 - (c) clarifies obligations in relation to Seasonal Work Premises.

2 Citation

- (1) These directions may be referred to as the **Workplace (Additional Industry Obligations) Directions (No. 10)**.
- (2) The **Workplace (Additional Industry Obligations) Directions (No. 9)** are revoked at 11:59:00 pm on 27 October 2020.

3 Deleted clause**4 Commencement**

These directions commence at 11:59:00 pm on 27 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) **warehousing and distribution centres**; and

- (f) **manufacturing facilities**; and
- (g) **wholesale facilities**; and
- (h) horticulture operations using **seasonal workers** for **seasonal horticultural work**; and
- (i) **care facilities**.

*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. 8)** 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. 8)** or these directions; or
 - (i) transporting supplies to a Work Premises that is a **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) 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.
- (5) 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 manufacturing facilities), and **labour hire providers** (to the extent they provide any onsite services 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. 8)** (regardless of whether an Additional Obligation Industry is required to have a COVIDSafe Plan under the **Workplace Directions (No. 8)**); 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 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 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); and
- (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) 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. 8)**; 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 Safe Directions (Melbourne)** or the **Stay Safe Directions (Non-Melbourne) (No. 6)** (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.

Horticulture Work Premises using seasonal workers for seasonal horticultural work

- (28) An employer may only operate a seasonal Work Premises using seasonal workers for seasonal horticultural work if it complies with subclauses (29) and (31) to (44) (inclusive).
- (29) An employer must not allow a seasonal worker whose ordinary place of residence is in the Restricted Area to commence seasonal horticultural work (except where subclause (34) applies) at a seasonal Work Premises in the Relevant Area 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 (29) 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.
- (30) A labour hire provider providing seasonal workers whose ordinary place of residence is in the Restricted Area to an employer for seasonal horticultural work must not offer the seasonal worker for seasonal horticultural work (except where subclause (34) 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 (29) 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.*
- (31) An employer may meet its obligations under subclause (29) by obtaining that information from a labour hire provider who has obtained that information by meeting its obligations under subclause (30).
 - (32) 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 subclauses (29) and (30) respectively.
 - (33) 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.
 - (34) 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 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.

Note: subclause (34) applies regardless of whether the seasonal worker is travelling to a seasonal Work Premises in the Restricted Area or the Relevant Area.

- (35) In collecting the information outlined in subclauses (32), (33) and (34), 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.
- (36) 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.

- (37) 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.
- (38) 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 (36).
- (39) 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.
- (40) 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. 8)** apply.
- (41) 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 (42).
- (42) 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 the Department of Jobs, Precincts and Regions and the Department of Health and Human Services.

- (43) 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 (44).
- (44) 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 the Department of Jobs, Precincts and Regions and the Department of Health and Human Services.

Care facilities

- (45) 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)**.
- (46) 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.
- (47) 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 (47) 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.

- (48) 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.

- (49) 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.
- (50) The Chief Health Officer may grant an exemption in writing to the requirements of subclauses (47) and (48).

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. 8)**, the **Workplace Directions (No. 8)** 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. 8)**;
- (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) **care facility** has the same meaning as in the **Care Facilities Directions (No. 14)**;
- (6) **care facility worker** has the same meaning as “worker” in clause 6(1) of the **Care Facilities Directions (No. 14)**;
- (7) **Chief Veterinary Officer** means the chief veterinary officer of the Department of Jobs, Precincts and Regions;
- (8) **cleaned** has the same meaning as in the **Workplace Directions (No. 8)**;
- (9) **cleaning requirement** has the same meaning as in the **Workplace Directions (No. 8)**;
- (10) **confirmed case** means a worker diagnosed with 2019-nCoV;
- (11) **COVID Marshal** has the meaning in clause 7(4)(b);
- (12) **daily peak workforce capacity** has the meaning in clause 5(4);
- (13) **daily total workforce capacity** has the meaning in clause 5(5);
- (14) **density quotient** has the same meaning as in the **Workplace Directions (No. 8)**;
- (15) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (16) **Directions currently in force** has the same meaning as in the **Area Directions (No. 9)**;
- (17) **employee** includes a person who is self-employed;
- (18) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (19) **face covering** has the same meaning as in the **Workplace Directions (No. 8)**;
- (20) **High Risk COVIDSafe Plan** has the meaning in clause 6(2);
- (21) **inspector** has the same meaning as in the **OHS Act**;
- (22) **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);
- (23) **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);
- (24) **meat processing facility** has the meaning under the PrimeSafe licence category “further meat processing facilities”;
- (25) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (26) **outbreak** means:
 - (a) a single **confirmed case** of 2019-nCoV in a resident, staff member or frequent attendee of a residential aged care facility; or
 - (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;

Note: transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. 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.
- (27) **perishable food Work Premises** has the meaning in clause 7(25)(b);
- (28) **personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;

- (29) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
 - (30) **poultry processing facility** has the meaning under the PrimeSafe licence category “poultry meat processing facilities”;
 - (31) **premises** has the same meaning as in the **PHW Act**;
 - (32) **reasonably practicable** is to have its ordinary and common sense meaning;
 - (33) **records requirement** has the same meaning as in the **Workplace Directions (No. 8)**;
 - (34) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
 - (35) **Restricted Area** has the same meaning as in the **Area Directions (No. 9)**;
 - (36) **seafood processing facility** has the meaning under the PrimeSafe licence category “seafood processing facilities”;
 - (37) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 12)**;
 - (38) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 12)**;
 - (39) **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;
 - (40) **seasonal worker** means a worker temporarily employed or engaged to perform seasonal horticultural work at seasonal work premises;
 - (41) **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;
 - (42) **seasonal worker transport** means any transport provided by the employer or labour hire provider used for transporting seasonal workers;
 - (43) **seasonal Work Premises** means a farm or workplace where seasonal horticultural work is undertaken;
 - (44) **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;
 - (45) **supermarket Work Premises** has the meaning in clause 7(25)(a);
 - (46) **vehicle** has the same meaning as in the **PHW Act**;
 - (47) **weekly peak workforce capacity** has the meaning in clause 7(11);
 - (48) **weekly total workforce capacity** has the meaning in clause 7(12);
 - (49) **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;
 - (50) **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**;
- Note: a Work Premises does not include an employee’s ordinary place of residence.*
- (51) **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.

- (3) 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 27 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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