



Victoria Government Gazette

No. S 555 Thursday 29 October 2020
By Authority of Victorian Government Printer

Public Health and Wellbeing Act 2008

Section 200

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

Restricted Activity Directions (Non-Melbourne) (No. 11)

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

1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in the **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. 10)** restricting activities in areas of Victoria, and provide for circumstances in which a person is required to comply with the **restricted area requirement**.

2 Citation

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

3 Revocation

The **Restricted Activity Directions (Non-Melbourne) (No. 10)** are revoked at 11:59:00 pm on 28 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 28 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.

SPECIAL

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

Example: If cricket is played in an outdoor space, it may be played with 2 teams of 11 players and the necessary coaching personnel and umpires. If cricket is played in an indoor physical recreational facility, personal training facility or trampolining centre, the limits in clause (6)(4)(b) apply.

- (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

- (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 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

- (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:

- (i) providing an exclusive venue for professional or high performance sport training or competition; or
- (j) 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 and the restricted area 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
 - (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 and the restricted area 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 so 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
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 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
 - (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.

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

Childcare facilities

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

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 the restricted area 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:

- (a) a food and drink facility is not required to comply with the restricted area requirement when (and only to the extent) they operate that facility under clause 12(6); and
- (b) an accommodation facility is not required to comply with the restricted area requirement when (and only to the extent) they operate that facility under clause 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). Note 3: under the Stay Safe Directions (Melbourne), restrictions in the Stay Safe Directions (Melbourne) follow a person when they leave the Restricted Area.

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 28 October 2020

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

Public Health and Wellbeing Act 2008

Section 200

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

Care Facilities Directions (No. 15)

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

1 Preamble

- (1) The purpose of these directions is to make provision for restricted access to care facilities in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**) within a particularly vulnerable population, balancing the need to limit the spread of 2019-nCoV against the broader responsibilities of care facilities to the physical, emotional and psychological wellbeing of their clients.
- (2) These directions replace the **Care Facilities Directions (No. 14)** and permit persons who have during the 14 days immediately preceding entry to the care facility, arrived in Australia from a place outside Australia, to visit a resident of a care facility for end of life support, where an exemption is granted by the Chief Health Officer and the Director of the care facility.

2 Revocation

The **Care Facilities Directions (No. 14)** are revoked at 11:59:00 pm on 28 October 2020.

3 Citation

- (1) These directions may be referred to as the **Care Facilities Directions (No. 15)**.
- (2) A reference in any other direction to the **Care Facilities Directions (No. 14)** is taken to be a reference to these directions.

4 Definition of care facility

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

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

5 Prohibition on entry

- (1) A person must not enter, or remain on, the premises of a **care facility** between (and including) 11:59:00 pm on 28 October 2020 and 11:59:00 pm on 8 November 2020 unless:
 - (a) the person is a **resident** of the facility; or
 - (b) the person is a **worker** in relation to the facility, as defined in clause 6; or
 - (c) the person is a **visitor** in relation to the facility, as defined in clause 7, and the person's visit complies with the limits in that clause.

Excluded persons

- (2) Despite subclause (1), a person who is a worker or a visitor in relation to a care facility must not enter, or remain on, the premises of the facility between (and including) 11:59:00 pm on 28 October 2020 and 11:59:00 pm on 8 November 2020 if:
- (a) the person is required to self-isolate under the **Diagnosed Persons and Close Contacts Directions (No. 12)**; or
 - (b) the person is required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions (No. 12)**; or
 - (c) during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia; or
 - (d) during the 14 days immediately preceding the entry, the person had known contact with a **confirmed case** (except in the course of their employment while wearing the appropriate level of personal protective equipment in the circumstances); or
- Note: a person who has had known contact with a person who has been diagnosed with 2019-nCoV may also be required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions (No. 12)**.*
- (e) the person has **2019-nCoV Symptoms**; or
 - (f) in the case of a visitor – the person has been tested for 2019-nCoV, and has not yet received the results of that test.

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

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

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

- (5) Despite subclause (2), a person referred to in subclause (2)(c) may enter, or remain on, the premises of care facility if:
- (a) the person is a visitor in relation to a patient of a care facility under clause 7(2)(i); and
 - (b) the person is authorised to enter or remain at the care facility by:
 - (i) an officer of the care facility with the position of Director of the facility or equivalent; and
 - (ii) the Chief Health Officer, or a person authorised by the Chief Health Officer to exercise this power of authorisation.

- (6) A person authorised to enter or remain at the care facility under subclause (5) must comply with any directions or conditions to which that authorisation is subject.

6 Definition of worker

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

Examples: hairdressing (in the Relevant Area only), diversional and recreational therapies, music therapies.

Note: in the Restricted Area, a hairdresser may not enter or remain on the premises of a care facility as a worker under this paragraph.
 - (iv) other support services; or
 - (d) in the case of a **disability residential service** or an eligible SDA enrolled dwelling – the person's presence at the premises of the facility is for the purposes of providing treatment under a treatment plan to a resident of the facility, whether the treatment is provided for consideration or on a voluntary basis; or
 - (e) in the case of a secure welfare service – the person's presence at the premises of the facility is for the purposes of providing educational services to a resident of the facility, whether the goods or services are provided for consideration or on a voluntary basis; or
 - (f) the person's presence at the premises of the facility is authorised or required for the purposes of emergency management, law enforcement, or the performance of a duty, function or power under a law.

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

7 Definition of visitor, limits on visits

- (1) A person is a **visitor** in relation to a care facility if:
- (a) the person is described in one of subclauses (2)(a) to (2)(k); and
 - (b) the person's visit to the care facility satisfies the limits specified in italics below the relevant subclause.
- (2) A person may visit a resident at a care facility if:
- (a) in the case of a resident of a facility aged under 18 years – the person is the parent or guardian of the resident or has temporary care of the resident; or

Limit: maximum of two parents, carers or guardians at any one time for an admitted child (under 18 years) with no time limit.

Example: As parents, carers, and guardians are a critical part of a child's care team, there may be times during an admitted child's stay at the facility, when it is necessary for two parents to be with their child at any one time to enable informed shared decision making and care provision.

- (b) in the case of a resident of a facility aged 18 years or over – the person is the parent, guardian, partner, carer or support person of the resident, and the person’s visit is for the purpose of providing emotional, cultural, spiritual or social support to the resident that cannot reasonably be provided by that person via electronic or other non-contact means; or
Limit: only 1 visitor, once per day, for a maximum of 2 hours.
- (c) in the case of a resident of a facility outside the **Restricted Area** – the person is visiting the resident alone, or with any other person or people who ordinarily reside at the same premises as the person; or
*Limit: only 1 household at a time, subject to the **density quotient**, for a maximum of 2 hours per visit.*
Note 1: Parents/carers/guardians may continue to visit infants or children under 18 years residing at a care facility at the same time, for unlimited periods, under paragraph (a).
Note 2: In permitting household visits, a care facility must still comply with the density quotient that limits the number of persons permitted in shared or publicly accessible places.
- (d) in the case of a resident of the facility who has a mental illness – the person is the resident’s **nominated person** and the person’s presence at the facility is for the purposes of matters relating to their role as nominated person; or
Limit: only 1 visitor at any one time, for a maximum of 2 hours per visit.
- (e) the person’s presence at the facility is for the purposes of providing essential care and support necessary for the resident’s physical wellbeing that optimises the care and support delivered by workers at the facility and cannot reasonably be provided by that person via electronic means; or
Limit: only 1 visitor at any one time.
Example: providing ongoing support, assistance or personal care to a resident with activities of daily living such as showering, dressing, or meals.
- (f) the person’s presence at the facility is for the purposes of providing essential care and support necessary for the resident’s emotional, cultural, spiritual, or social wellbeing (including mental health supports) that optimises the care and support delivered by workers at the facility and cannot reasonably be provided by that person via electronic means; or
Limit: only 1 visitor at any one time.
Example: the person’s physical presence is necessary to support individual behaviours of concern, such as for people living with dementia, cognitive impairment or cognitive disability, or who have a known or emerging serious mental illness.
Example: the person’s physical presence is necessary to support decision making for a person with cognitive impairment or cognitive disability.
- (g) the person’s presence at the facility is for the purposes of acting as an interpreter or providing informal language support to enable the delivery of care by workers at the facility; or
Limit: only 1 visitor at any one time.
- (h) the person’s presence at the facility is for the purposes of learning to support the resident’s care upon the resident’s discharge; or
Limit: only 1 visitor, once per day, for a maximum of 2 hours.
Example: in preparation for providing in home care.
- (i) the person’s presence at the facility is for the purposes of providing end of life support to a resident of the facility; or
Limit: maximum of 2 visitors at any one time.
Example: resident is deteriorating, and death is expected within days (including periods of up to 14 days). The resident may be commenced on a care plan for the dying or is unlikely to be discharged from this admission.

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

Limit: only 1 visitor at any one time.

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

Limit: only 1 visitor at any one time.

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

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

8 Operator obligations

Operator to take all reasonable steps

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

Visitor declarations

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

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

*Note 2: from 11:59:00 pm on 18 October 2020, operators of care facilities are subject to additional obligations under the **Workplace (Additional Industry Obligations) Direction (No. 10)**.*

9 Relationship with other Directions

- (1) Where the premises of a care facility are located within the premises of a hospital subject to the **Hospital Visitor Directions (No. 13)** these directions apply, to the exclusion of the **Hospital Visitor Directions (No. 13)**, in relation to the premises of the care facility and to matters that relate to the care facility.
- (2) These directions operate alongside, and are not intended to derogate from, obligations imposed on operators of care facilities under the **Workplace Directions (No. 8)** and **Workplace (Additional Industry Obligations) Directions (No. 10)**.

10 Definitions

For the purposes of these directions:

- (1) **2019-nCoV Symptoms** means symptoms consistent with 2019-nCoV, including but not limited to the following:
- a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°C (such as night sweats or chills);
 - acute respiratory infection (such as cough, shortness of breath, sore throat);
 - loss of smell;
 - loss of taste;

- (2) **alcohol and drug residential service** means any of the following:
- (a) a treatment centre within the meaning of the **Severe Substance Dependence Treatment Act 2010**;
 - (b) a residential treatment service (however described) that provides drug or alcohol withdrawal or rehabilitation services in a residential setting to people dependent on alcohol or other drugs;
 - (c) a service that provides supported accommodation to a person after the person has received residential treatment services of the kind referred to in paragraph (b);
- (3) **care facility** has the meaning in clause 4;
- (4) **confirmed case** means a person who has been diagnosed with 2019-nCoV;
- (5) **density quotient** has the same meaning as in the **Workplace Directions (No. 8)**;
- (6) **disability residential service** means a residential service within the meaning of the **Disability Act 2006** and to avoid doubt, includes the facility called the Intensive Residential Treatment Program of the Statewide Forensic Service;
- Note: the Intensive Residential Treatment Program of the Statewide Forensic Service is often referred to as "DFATS".*
- (7) **eligible SDA enrolled dwelling** means a Specialist Disability Accommodation (SDA) enrolled dwelling that is provided under an SDA residency agreement within the meaning of section 498B of the **Residential Tenancies Act 1997**;
- (8) **end of life**, in relation to a resident:
- (a) means a situation where the resident's death is expected within days (including periods of 14 days or longer), or where the resident, with or without existing conditions, is at risk of dying from a sudden acute event;
 - (b) does not mean a situation where a resident has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the resident is expected to die within 12 months (except where the situation also falls within paragraph (a)).
- (9) **employee or contractor**, in relation to a care facility, means a person employed or engaged as a contractor by the operator of the facility, and includes a person who **provides labour hire services** to the operator of the facility;
- (10) **flexible care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (11) **homelessness residential service** means a service that is funded by government to provide a staffed residential service to people who are homeless or at risk of being homeless;
- (12) **nominated person** in relation to a resident has the same meaning as in the **Mental Health Act 2014**;
- (13) **operator** of a care facility means:
- (a) for an **alcohol and drug treatment facility** – the operator of the facility;
 - (b) for a **homelessness residential service** – the entity that receives government funding to provide the service;
 - (c) for a **residential aged care facility** – the operator of the facility;
 - (d) for a **disability residential service** – the **disability service provider** that operates the service;
 - (e) for an **eligible SDA enrolled dwelling** – the **disability service provider** or the **registered NDIS provider** that operates the service;

- (f) for a **short-term accommodation and assistance dwelling** – the **registered NDIS provider** or the **disability service provider** that operates the service;
 - (g) for a **secure welfare service** – the Secretary to the Department of Health and Human Services;
 - (h) for a **supported residential service** – the **proprietor** of the supported residential service;
 - (i) for the **Thomas Embling Hospital** – the **Victorian Institute of Forensic Mental Health**;
- (14) **proprietor** of a **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
 - (15) **provides labour hire services** has the same meaning as in the **Labour Hire Licensing Act 2018**;
 - (16) **registered NDIS provider** has the same meaning as in the **National Disability Insurance Scheme Act 2013** of the Commonwealth;
 - (17) **resident** of a care facility includes a patient of the care facility;
 - (18) **residential aged care facility** means premises at which accommodation and personal care or nursing care or both are provided to a person in respect of whom a **residential care subsidy** or a **flexible care subsidy** is payable under the **Aged Care Act 1997** of the Commonwealth;
 - (19) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
 - (20) **Restricted Area** has the same meaning as in the **Area Directions (No 9)**;
 - (21) **secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;
 - (22) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
 - (23) **Thomas Embling Hospital** means the hospital of that name operated by the **Victorian Institute of Forensic Mental Health**;
 - (24) the following expressions have the same meaning as they have in the **Disability Act 2006**:
 - (a) disability service provider;
 - (b) SDA enrolled dwelling;
 - (c) SDA provider;
 - (d) short-term accommodation and assistance dwelling;
 - (e) treatment plan;
 - (25) **Victorian Institute of Forensic Mental Health** has the same meaning as in the **Mental Health Act 2014**.

11 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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

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

Dated 28 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) (No. 2)

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 Safe Directions (Melbourne)** to clarify the limits on the services and facilities a person leaving the Restricted Area can access in the **Relevant Area**.

2 Citation

These directions may be referred to as the **Stay Safe Directions (Melbourne) (No. 2)**.

3 Revocation

The **Stay Safe Directions (Melbourne)** are revoked at 11:59:00 pm on 28 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 28 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 25km 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 25km 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):

- (a) 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; and
- (b) that person must not access, enter or use a service or facility in the Relevant Area which is subject to the restricted area requirement under the **Restricted Activity Directions (Non-Melbourne) (No. 11)**.

Note: services or facilities which are subject to the restricted area requirement include indoor sport or physical recreational facilities, personal training facilities, beauty and personal care facilities, hairdressers, seated service at food and drink facilities, accommodation facilities for tourism and licensed tourism operators.

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 sports person when training or competing; or
 - (m) the person is engaged in any strenuous physical exercise; or
- Examples: jogging, running.*
- (n) the person is travelling in a **vehicle** by themselves or where each other person in the vehicle ordinarily resides at the same premises; or

- (o) the person is riding a bicycle or motorcycle; or
- (p) the person is consuming food, drink or medicine; or
- (q) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (r) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (s) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (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 25km 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, **(special visiting persons)**; and
- (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 25km 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; and
- for the avoidance of doubt, includes activities in relation to a display home for any of the purposes in paragraphs (a) to (d);
- (8) **density quotient** has the same meaning as in the **Workplace Directions (No. 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 28 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.

ive

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

© State of Victoria 2020

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

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

How To Order



**Retail &
Mail Sales**

Victoria Government Gazette

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

DX 106 Melbourne



Telephone

(03) 8523 4601



Fax

(03) 9600 0478

email

gazette@ivegroup.com.au

Price Code C