



Victoria Government Gazette

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Public Health and Wellbeing Act 2008

EXTENSION OF DECLARATION OF A STATE OF EMERGENCY

(Section 198(7)(c))

On 16 March 2020, under section 198(1) of the **Public Health and Wellbeing Act 2008** (Act), the Minister for Health made a declaration of a state of emergency throughout the State of Victoria arising out of the serious risk to public health in Victoria from Novel Coronavirus 2019 (SARS-CoV-2) (Declaration).

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

- 12 April 2020 (effective midnight on 13 April 2020);
- 11 May 2020 (effective midnight on 11 May 2020);
- 31 May 2020 (effective at 11:59:00 pm on 31 May 2020);
- 21 June 2020 (effective at 11:59:00 pm on 21 June 2020);
- 19 July 2020 (effective at 11:59:00 pm on 19 July 2020);
- 16 August 2020 (effective at 11:59:00 pm on 16 August 2020);
- 13 September 2020 (effective at 11:59:00 pm on 13 September 2020); and
- 8 October 2020 (effective at 11:59:00 pm on 8 October 2020).

Now, under section 198(7)(c) of the Act, I, the Hon. Martin Foley, Minister for Health, on the further advice of the Chief Health Officer and after further consultation with the Minister and the Emergency Management Commissioner under the **Emergency Management Act 2013**, extend the Declaration due to the ongoing serious risk to public health throughout Victoria from SARS-CoV-2.

This extension takes effect at 11:59:00 pm on 8 November 2020 and remains in force until 11:59:00 pm on 6 December 2020.

Dated 8 November 2020

MARTIN FOLEY MP
Minister for Health

SPECIAL

Public Health and Wellbeing Act 2008

Section 200

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

Restricted Activity Directions (Victoria)

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 State of Victoria to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Restricted Activity Directions (Non-Melbourne) (No. 11)** and the **Restricted Activity Directions (Melbourne)** to unify the restrictions on activities across the State of Victoria.

2 Citation

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

3 Revocation

The **Restricted Activity Directions (Non-Melbourne) (No. 11)** and the **Restricted Activity Directions (Melbourne)** are revoked at 11:59:00 pm on 8 November 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 8 November 2020 and ending at 11:59:00 pm on 6 December 2020.

5 Physical recreational facilities

- (1) A person who owns, controls or operates a **physical recreational facility** in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (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, pilates studio, barre studio, dance studio, 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 **cardio or strength training facility**;
Examples: a cardio or strength facility featuring cardio equipment (such as exercise bikes, elliptical trainers, steppers and rowing machines), free weights, kettlebells and weight and/or strength training equipment and machines. A cardio or strength training facility may be a stand-alone facility or part of another facility (such as a gymnasium, health club, fitness centre or personal training facility).
 - (e) a **play centre**;
 - (f) a skatepark;
 - (g) a trampolining centre,

but does not include:

- (h) a skatepark or a trampolining centre in an **outdoor space**; or
- (i) outdoor communal exercise equipment; or
- (j) a swimming pool, **hydrotherapy pool** or chlorinated spa; or
- (k) a **creative arts facility**.

Note: a skatepark or trampolining centre in an outdoor space and outdoor communal exercise equipment can be used.

Indoor sport or physical recreation facility, personal training facility or cardio or strength training facility – indoor activities for persons aged 19 years and over

- (3) 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)(d) (cardio or strength training facility) in the State of Victoria may operate that facility for the purpose of indoor physical recreation by members of the public aged 19 years and over if:
- (a) all indoor physical recreation is conducted at the facility (and not at a member of the public's ordinary place of residence); 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 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
 - (d) only one class or session commences at any given time and that time is at least 15 minutes after any other class or session has commenced; and
 - (e) the space available is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
 - (f) any shared equipment is used, it must be **cleaned** between users; and
 - (g) 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
 - (h) where the facility is a cardio or strength training facility or includes a cardio or strength training facility, the facility has a **COVID Marshal** onsite during the operating hours of the cardio or strength training facility.

*Note 1: all persons at an indoor sport or physical recreational facility, cardio or strength training 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(7) and (8) of the **Stay Safe Directions (Victoria)**. All persons should ensure that duration of the 'strenuous exercise' exemption is as limited as possible.*

Note 2: the COVID Marshal may be a person conducting or leading a group, class or session in the cardio or strength training facility.

Indoor sport or physical recreation facility, personal training facility or cardio or strength training facility – indoor activities for persons aged 18 years and under

- (4) 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) or (2)(d) (cardio or strength training facility) in the State of Victoria may operate that facility for the purpose of indoor physical recreation and indoor community sport (in accordance with clause 6(2)) by members of the public aged 18 years and under if:

- (a) all indoor physical recreation and indoor community sport is conducted at the facility (and not at a member of the public's ordinary place of residence); and
- (b) all indoor physical recreation or indoor community sport is **non-contact**; and
- (c) 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
- (d) 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 of guardian is permitted to enter the facility with that child or infant; and

Note: if a person permitted to attend the facility under paragraph (d) 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 (d) without the child or dependant, then the child or dependant may accompany the person when attending the facility in accordance with paragraph (d).
- (e) the space available is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
- (f) 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.

Indoor sport or physical recreation facility, outdoor sport or physical recreation facility, personal training facility or cardio or strength training facility – outdoor activities

- (5) 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), (2)(c) (personal training facility) or (2)(d) (cardio or strength training facility) in the State of Victoria may operate that facility for the purposes of outdoor physical recreation or outdoor community sport by members of the public if:
 - (a) all physical recreation and community sport is conducted in an outdoor space (and not at a member of the public's ordinary place of residence); and
 - (b) the number of members of the public permitted in the outdoor space at any time is limited to 10 unless:
 - (i) paragraph (c)(ii) (same ordinary place of residence) applies; or
 - (ii) clause 6 (community sport) applies; or
 - (iii) a reasonable distance can be maintained between each group, class or session 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 number of members of the public permitted in each group, class or session in the outdoor space at any time is limited to:
 - (i) 10 (with any infant under one year of age not counting in this limit); or
 - (ii) all persons in the group, class or session having the same ordinary place of residence; and
 - (d) the outdoor space is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
 - (e) any shared equipment is used, it must be cleaned between users.

Physical recreation facility for educational, workplace or professional or high performance sport purposes

- (6) A person who owns, controls or operates a physical recreational facility in the State of Victoria may operate that facility if it is operated for:
- (a) the exclusive use of a single **school** at any one time for educational purposes; or
 - (b) work-related rehabilitation or physical fitness or training purposes; or
- Note: paragraph (b) is intended to permit physical recreational facilities to operate that are used for work-related rehabilitation or physical fitness or training purposes.*
- (c) the exclusive use of professional or high performance sport training or competition.
- (7) A person who operates a facility under subclause (6)(c) 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.

Play centre

- (8) A person who owns, controls or operates a facility under subclause (2)(e) (play centre) in the State of Victoria may operate that facility if:
- (a) 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
 - (b) 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 permitted by the density quotient; and
 - (ii) 10; and
 - (c) 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 (c) 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 (c) without the child or dependant, then the child or dependant may accompany the person when attending the facility in accordance with paragraph (c).

Indoor skatepark for persons aged 18 years and under

- (9) A person who owns, controls or operates a facility under subclause (2)(f) (skatepark) in the State of Victoria may operate that facility for the purpose of indoor physical recreation by members of the public aged 18 years and under if:
- (a) 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
 - (b) 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 permitted by the density quotient; and
 - (ii) 10; and
 - (c) 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 (c) 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 (c) without the child or dependant, then the child or dependant may accompany the person when attending the facility in accordance with paragraph (c).
 - (d) 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.

Indoor trampolining centre for persons aged 18 years and under

- (10) A person who owns, controls or operates a facility under subclause (2)(g) (trampolining centre) in the State of Victoria may operate that facility for the purpose of indoor physical recreation by members of the public aged 18 years and under if:
- (a) 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
 - (b) 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 (b) 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 (b) without the child or dependant, then the child or dependant may accompany the person when attending the facility in accordance with paragraph (b).
 - (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.

6 Community sport

Persons aged 19 years or over

- (1) A person aged 19 years or over may only participate in a community sport in the State of Victoria if:
- (a) it is conducted outdoors; and
 - (b) it is non-contact; and
 - (c) no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
 - (d) 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 only participate in a community sport in the State of Victoria if:
- (a) all members of the public participating in a group are aged 18 years or under; and
 - (b) subject to clause 5(4)(c), no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
- (c) 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 in the State of Victoria that involves at least one participant aged 19 years or over if:
- (a) it is conducted outdoors; and
 - (b) it is non-contact; and
 - (c) no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
- (d) 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 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.

7 Community facilities

- (1) A person who owns, controls or operates a **community facility** in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (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, but not the State Library);
 - (c) a youth centre;
 - (d) a **playground**;
 - (e) a skatepark or trampolining centre in an outdoor space;
 - (f) outdoor communal exercise equipment;but does not include:
 - (g) a creative arts facility; or
 - (h) a physical recreational facility; or
 - (i) a swimming pool, hydrotherapy pool or chlorinated spa.
- (3) A person who owns, controls or operates a community facility in the State of Victoria may operate that facility for members of the public if:
 - (a) the maximum number of members of the public in a group in an outdoor space is compliant with the restrictions on public gatherings in the **Stay Safe Directions (Victoria)**, plus the minimum number of persons required to conduct the activity;
 - (b) any wedding or funeral is compliant with the requirements of the **Stay Safe Directions (Victoria)**; and
 - (c) the number of members of the public permitted in an indoor community facility at any time is limited to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 20; and
 - (d) 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 permitted by the density quotient; and
 - (ii) 10.
- (4) Despite subclause (3), a person who operates a community facility for the purpose of hosting an essential support group is not required to comply with the limits in subclause (3)(d).
- (5) Despite subclause (3), a person who operates a community facility for the purpose of:
 - (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or
 - (b) providing an exclusive venue for the exclusive use of a single school or outside school hours care at any one time for educational purposes,is not required to comply with the limits in subclause (3)(c) or (3)(d).

8 Entertainment facilities

- (1) A person who owns, controls or operates an **entertainment facility** in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (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) the **State Library**;
- (f) an arena, stadium or convention centre;
- (g) an arcade;
- (h) an amusement park;
- (i) 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;
- (j) a **retail betting venue**;
- (k) a **gaming machine area**;
- (l) a **brothel, sex on premises venue** or **sexually explicit entertainment venue**;
- (m) a **bingo centre**;
- (n) an escape room;
- (o) an **animal facility**.

Broadcast of a performance

- (3) A person who owns, controls or operates an entertainment facility in the State of Victoria may operate that facility for the purpose of allowing a performance to occur at the **premises**, if:
- (a) the performance is to be broadcast (live or otherwise) via electronic means; and
 - (b) the only persons permitted to attend the facility are those necessary for the performance and the broadcasting of that performance to occur.

Non-seated outdoor space

- (4) A person who owns, controls or operates a facility 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), (2)(e) (State Library), (2)(f) (arena, stadium or convention centre) or (2)(o) (animal facility) in the State of Victoria 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 (6); and
 - (c) 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
 - (d) any food and drink facility operates in accordance with clause 12; and
 - (e) any music is provided in accordance with clause 19; 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.

Seated outdoor space

- (5) A person who owns, controls or operates a facility 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), (2)(e) (State Library), (2)(f) (arena, stadium or convention centre) or (2)(o) (animal facility) in the State of Victoria 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 (6); and
 - (c) each 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 (Victoria)**; and
 - (d) any food and drink facility operates in accordance with clause 12; and
 - (e) any music is provided in accordance with clause 19; 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.

Indoor space

- (6) A person who owns, controls or operates a facility 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), (2)(e) (State Library) or (2)(o) (animal facility) in the State of Victoria may operate an indoor space in the facility if:
- (a) the number of members of the public permitted in each indoor space at any time is limited to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 20; and
- Example: the limit on the number of members of the public applies to each indoor space at a gallery or museum and each screening room at a cinema.*
- (b) no 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) only one session, screening, performance commences at any given time and that time is at least 30 minutes after any other session, screening or performance has commenced; and
 - (d) each member of the public is required to be located at least 1.5 metres away from all members of the public who are not from the same group; and
 - (e) any food and drink facility operates in accordance with clause 12; and
 - (f) any music is provided in accordance with clause 19; 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.

Arena or stadium for educational or professional or high performance sport purposes or a professional sport event

- (7) A person who owns, controls or operates an arena or stadium in the State of Victoria may operate that facility for:
- (a) the exclusive use of a single school at any one time for educational purposes; or
 - (b) the exclusive use of professional or high performance sport training or competition; or
 - (c) a professional sport event.
- (8) A person who operates a facility under subclause (7)(b) 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.
- (9) A person who operates a facility under subclause (7)(c) 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) 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.

Drive-in cinema

- (10) A person who owns, controls or operates a drive-in cinema in the State of Victoria may operate the facility 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; 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) any music is provided in accordance with clause 19; 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.

Casino

- (11) A person who owns, controls or operates a casino in the State of Victoria may operate the facility if:
- (a) the number of indoor spaces operated for the purpose of providing gambling services to members of the public is limited to 10; and
 - (b) in each indoor space operated for the purposes of providing gambling services:
 - (i) the number of members of the public permitted in the indoor space at any time is limited to the lesser of:
 - (A) the number permitted by the density quotient; and
 - (B) 10; and
 - (ii) members of the public are permitted to operate a **gaming machine** and an electronic table game only; and
Examples: poker machines are gaming machines and electronic table games include automated, electronic or animated versions of gambling games such as blackjack or roulette.
 - (iii) no 2 adjacent gaming machines are permitted to be available for use by members of the public at any time; and
Note: where gaming machines are positioned next to each other, at least every second gaming machine must be disabled from game play.
 - (iv) smoking is not permitted; and
 - (c) the maximum duration any member of the public is permitted in the facility is 90 minutes, once per day; and
 - (d) 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
 - (e) the facility has a COVID Marshal onsite during the operating hours of the facility.

Retail betting venues

- (12) A person who owns, controls or operates a retail betting venue in the State of Victoria which is wholly contained within a **licensed premises** may operate the venue if:
- (a) the number of members of the public permitted in the venue at any time 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 clause 12 (**food and drink facilities**) and this clause.
- (13) A person who owns, controls or operates a retail betting venue in the State of Victoria which is not wholly contained within a licensed premises may operate the venue if:
- (a) the number of members of the public permitted in the venue at any time 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.

Gaming machine areas

- (14) A person who owns, controls or operates a gaming machine area in the State of Victoria which is wholly contained within a licensed premises may operate the facility if:
- (a) the maximum duration of the operation of a gaming machine area is 16 hours, once per day; and
 - (b) the total number of members of the public permitted in all gaming machine areas at any time is limited to the lesser of:

- (i) the number permitted by the density quotient; and
- (ii) 10; and

Note: members of the public in a gaming machine area located within a food and drink facility are included within the limits on the numbers of members of the public in the food and drink facility under clause 12.

- (c) in each indoor gaming machine area:
 - (i) members of the public are permitted to operate a gaming machine only; and
Examples: poker machines are gaming machines.
 - (ii) no 2 adjacent gaming machines are permitted to be available for use by members of the public at any time; and
Note: where gaming machines are positioned next to each other, at least every second gaming machine must be disabled from play.
- (d) the maximum duration any member of the public is permitted in the facility is 90 minutes, once per day; and
- (e) the space available is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
- (f) the facility has a COVID Marshal onsite during the operating hours of the gaming machine area.

Animal facilities – treatment, rescue operations

- (15) Nothing in subclauses (3) to (6) prevents or otherwise affects the operation of an animal facility in the State of Victoria to the extent that the animal facility operates for the purpose of:
 - (a) treating or caring for animals; or
 - (b) performing an animal rescue function; or
 - (c) maintaining the animal facility.

9 Places of worship

- (1) A person who owns, controls or operates a **place of worship** in the State of Victoria may only operate that place of worship during the restricted activity period in accordance with these directions.
- (2) A person who owns, controls or operates a place of worship in the State of Victoria may operate that place of worship for the purposes of:
 - (a) hosting a wedding or funeral, if that wedding or funeral complies with the requirements of the **Stay Safe Directions (Victoria)**; or
 - (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 in accordance with subclause (3); or
Examples: for alcohol and drugs, family violence, and parenting.
 - (d) conducting outdoor religious gatherings or ceremonies in accordance with subclause (4); or
Examples: mass, Eucharist, blessings.
 - (e) conducting indoor religious gatherings or ceremonies in accordance with subclause (5).
Examples: mass, Eucharist, blessings.

Note: operations permitted at a place of worship under subclause (2) are not permitted to be provided as a service at a person's ordinary place of residence.

Indoor essential support groups

- (3) A person who owns, controls or operates a place of worship in the state of Victoria may operate the place of worship under subclause (2)(c) (essential support groups) if:
- (a) the number of members of the public permitted in the place of worship at any time is limited to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 20.

Outdoor religious gatherings or ceremonies

- (4) A person who owns, controls or operates a place of worship in the State of Victoria may operate the place of worship under subclause (2)(d) (outdoor religious gathering or ceremony) if:
- (a) up to a maximum of 50 members of the public are permitted to attend the 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** attends in order to lead the outdoor religious gathering or ceremony; and
 - (c) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by participants; and
 - (d) the religious gathering or ceremony is held in an outdoor space proximate to the place of worship; and
 - (e) no wedding or funeral is held indoors or outdoors under subclause (2)(a) at or proximate to the place of worship at the same time; and
 - (f) no religious gathering or ceremony is held indoors at the place of worship under subclause (2)(e) at the same time.

Indoor religious gatherings or ceremonies

- (5) A person who owns, controls or operates a place of worship in the State of Victoria may operate the place of worship under subclause (2)(e) (indoor religious gatherings or ceremonies) if:
- (a) the number of members of the public permitted in the place of worship at any time is limited to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 20; and
 - (b) the number of members of the public permitted in each **indoor zone** or each indoor space not consisting of any indoor zones is limited to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 10; and
 - (c) the space available in each indoor space is suitable to ensure:
 - (i) members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
 - (ii) each group is reasonably capable of maintaining a distance of 5 metres from each other group; 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 5 metres from each other.

- (d) in addition to the number of members of the public permitted under paragraph (b):
 - (i) one religious practitioner employed or otherwise engaged by a religious institution must attend the place of worship in order to lead the indoor religious gathering or ceremony; and
 - (ii) any other religious practitioner employed or otherwise engaged by a religious institution may attend the place of worship only if such person is necessary for conducting the religious gathering or ceremony at the place of worship; and
- (e) the maximum duration of any religious gathering or ceremony is 90 minutes; and
- (f) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by participants; and
- (g) no wedding or funeral is held indoors or outdoors under paragraph (a) at or proximate to the place of worship at the same time; and
- (h) no religious gathering or ceremony is to be held outdoors under subclause (2)(e) proximate to the place of worship at the same time.

10 Restricted retail facilities

- (1) A person who owns, controls or operates a **restricted retail facility**, in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A **restricted retail facility** means the following:
 - (a) a **beauty and personal care facility**; and
 - (b) a **hairdressing facility**.
- (3) A person who owns, controls or operates a restricted retail facility in the State of Victoria may operate that facility, if:
 - (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(7) and (8) of the **Stay Safe Directions (Victoria)**; 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 does not provide services or procedures at a member of the public's ordinary place of residence.

Note: a person may operate a restricted retail facility from a vehicle to provide services and procedures, provided the person does not enter residential premises.

11 Pubs, bars, clubs, nightclubs and hotels

- (1) A person who owns, controls or operates a licensed premises in the State of Victoria may only operate that premises during the restricted activity period in accordance with these directions.
- (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) A person who owns, controls or operates a licensed premises in the State of Victoria may operate that premises for the purposes of:
- (a) operating a **bottleshop**; or
 - (b) operating a retail betting venue in accordance with clause 8(12); or
 - (c) operating a gaming machine area in accordance with clause 8(14); or
 - (d) providing food or drink in accordance with clause 12; or
 - (e) providing accommodation in accordance with clause 13; or
 - (f) providing a venue for music in accordance with clause 19.

12 Food and drink facilities

- (1) A person who owns, controls or operates a food and drink facility in the State of Victoria may only operate that facility during the restricted activity period in accordance with 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;
 - (g) **food court**.

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

- (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 beverages, 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.

Food court

- (4) A person who owns, controls or operates a food court may operate that food court for the purpose of permitting members of the public to consume food or drinks if:
- (a) the number of members of the public permitted in an outdoor space at a food court is limited to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 50; and
 - (b) the number of members of the public permitted in an indoor space at a food court 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) 25 per cent of the maximum fixed seating capacity of the food court
 - (c) the number of members of the public permitted at each table in an indoor space at a food court is limited to 2 (with any child or dependant in the presence of a carer, parent or guardian not counting in this limit); and
 - (d) the number of members of the public permitted at each table (or group of tables) in an outdoor space at a food court is limited to 10 (with any child or dependant in the presence of a carer, parent or guardian not counting in this limit); and
 - (e) where there are multiple food courts in outdoor spaces at a single facility:
 - (i) each food court in an outdoor space that is operated is at least 10 metres away from each other food court in an outdoor space; and
 - (ii) the maximum number of food courts permitted to operate in an outdoor space is 4; and
- Example: a shopping centre with one outdoor food court on the ground level and one on the top level.*
- (f) any music is provided in accordance with clause 19.

Seated service

- (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 if:
 - (a) food or drinks service is only to seated members of the public; and
 - (b) no 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) the total number of members of the public permitted in all indoor spaces at the facility is limited (with any infant under one year of age not counting in this limit) to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 40; and

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

Note 2: members of the public in a retail betting venue or gaming machine area in an indoor space of the food and drink facility are included in this limit.

 - (d) the number of members of the public permitted in each indoor zone or each indoor space not consisting of any indoor zones is limited to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 10; and
 - (e) each member of the public in an indoor zone is seated a minimum of 5 metres from any member of the public seated in any adjacent indoor zone; and

Example: a single indoor space at a brewery hall of 160 square metres or more is large enough in accordance with the density quotient to cater for the maximum 40 members of the public. This indoor space may be split into indoor zones in which up to 10 members of the public (excluding infants under one year of age) may be seated, so long as each member of the public is seated at least 5 metres away from any member of the public seated in an adjacent indoor zone. The number of members of the public in each indoor zone may consist of multiple unrelated group bookings.

 - (f) the total number of members of the public permitted in all outdoor spaces at the facility is limited (with any infant under one year of age not counting in this limit) to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 70; and

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

Note 2: if temporary new licences or permits are sought and obtained for a pop-up food and drink facility, a cap of 70 members of the public will apply, subject to the density quotient.

*Note 3: the density quotient in the **Workplace Directions (No. 9)** 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.*

*Note 4: members of the public at an outdoor space of a food and drink facility are permitted to shelter indoors when unable to attain protection in the outdoor space from severe weather, provided they wear a face covering (other than where they are exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**).*

- (g) a distance between tables is maintained 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).

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.

Food and drink facilities – other

- (6) A person who owns, controls or operates a food and drink facility in the State of Victoria may operate that facility if:
- (a) it is for the purpose 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) 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. 14)** 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) it is for the purpose 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.

13 Accommodation facilities

- (1) A person who owns, controls or operates an **accommodation facility** in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (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 in the State of Victoria may operate that facility for the purposes of tourism if:
- (a) each group booking is limited to:
 - (i) only persons who ordinarily reside together; or
 - (ii) only persons who are in an intimate personal relationship; or
 - (iii) a group consisting of:
 - (A) persons who ordinarily reside together, or are in an intimate personal relationship; and
 - (B) up to 2 other persons; and
 - (C) if a person described in sub-subparagraph (B) is a carer, parent or guardian of 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) persons from separate bookings do not share bedrooms at the facility; and
 - (c) surfaces accessible in the accommodation facility exclusively to a particular group, including a hotel room or cabin, are cleaned between groups.

Alpine resort tourism

- (4) In addition to the requirements set out in subclause (3), a person who owns, controls or operates an accommodation facility in the State of Victoria with shared kitchen or bathroom facilities located at an **alpine resort**, may operate that facility for the purposes of tourism if:
- (a) where 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) where 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) 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; and

- (d) no more than 20 members of the public are permitted to stay in the facility at any time.

Alpine resort employees

- (5) A person who owns, controls or operates an accommodation facility in the State of Victoria may operate that facility for the purposes of providing accommodation to persons who are employees of businesses located within an alpine resort if:
 - (a) where 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) where 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.

Accommodation facilities – other

- (6) A person who owns, controls or operates an accommodation facility in the State of Victoria 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. 13)**; or
 - (i) as an exclusive facility for a single school at any one time for educational purposes.

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

14 Swimming pools, hydrotherapy pools and chlorinated spas

- (1) A person who owns, controls or operates a swimming pool, hydrotherapy pool or chlorinated spa in the State of Victoria may only operate the swimming pool, hydrotherapy pool, chlorinated spa and facilities during the restricted activity period in accordance with these directions.

Private or personal use

- (2) A person who owns, controls or operates a swimming pool, hydrotherapy pool or chlorinated spa in the State of Victoria that is not open to members of the public may operate the facility for private or personal use.

Educational, workplace or professional or high performance sport purposes

- (3) A person who owns, controls or operates a swimming pool, hydrotherapy pool or chlorinated spa in the State of Victoria may operate the facility for:
- (a) the exclusive use of a single school at any one time for educational purposes; or
 - (b) work-related rehabilitation or physical fitness or training purposes; or
Note: paragraph (b) is intended to permit pools and related facilities to operate that are used for work-related rehabilitation or physical fitness or training purposes.
 - (c) the exclusive use of professional or high performance sport training or competition.
- (4) A person who operates a swimming pool, hydrotherapy pool or chlorinated spa under subclause (3)(c) 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.

Outdoor swimming pools, hydrotherapy pools and chlorinated spas

- (5) A person who owns, controls or operates an outdoor swimming pool, hydrotherapy pool or chlorinated spa in the State of Victoria may operate the facility to permit members of the public to use the swimming pool, hydrotherapy pool, chlorinated spa and facilities if:
- (a) no access is permitted to saunas within the facility; and
 - (b) except where the swimming pool, hydrotherapy pool or chlorinated spa is operated in accordance with subclause (6), the number of members of the public permitted at any one time in any water or non-water part of the facility is limited to the lesser of:
 - (i) 50 in any swimming pool, hydrotherapy 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 outdoor swimming pools 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.
 - (c) 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.
- (6) A person who operates an outdoor swimming pool, hydrotherapy pool or chlorinated spa under subclause (5) is not required to comply with the limits in subclause (5) (b) if the swimming pool, hydrotherapy pool, chlorinated spa and facilities are only available for:
- (a) members of the public participating in community sport in accordance with clause 6; or
Note: participation in a community sport includes training for an organised competition.

- (b) the exclusive use of a single school at any one time for educational purposes; or
 - (c) the exclusive use of professional or high performance sport training or competition.
- (7) A person who operates a facility under subclause (6) must not permit spectators to attend 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.

Indoor swimming pools, hydrotherapy pools and chlorinated spas

- (8) A person who owns, controls or operates an indoor swimming pool, hydrotherapy pool or chlorinated spa in the State of Victoria may operate the facility to permit members of the public to use the swimming pool, hydrotherapy pool, chlorinated spa and facilities if:

- (a) no access is permitted to saunas within the facility; and
- (b) except where the swimming pool, hydrotherapy pool or chlorinated spa is operated in accordance with subclause (9), the number of members of the public permitted at any one time in in any water or non-water part of the facility is limited to the lesser of:
 - (i) 20 in any swimming pool, hydrotherapy 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.

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

Note 2: indoor hot springs cannot be used.

- (9) A person who owns, controls or operates an indoor swimming pool, hydrotherapy pool or chlorinated spa under subclause (8) is not required to comply with the limits in subclause (8)(b) if the swimming pool, hydrotherapy pool, chlorinated spa and facilities are only available for:

- (a) members of the public participating in community sport in accordance with clause 6; or
- Note: participation in a community sport includes training for an organised competition.*
- (b) the exclusive use of a single school at any one time for educational purposes; or
 - (c) the exclusive use of professional or high performance sport training or competition.

- (10) A person who operates a facility under subclause (9) must not permit spectators to attend 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.

15 Real estate auctions and inspections

- (1) During the restricted activity period, in the State of Victoria, 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 (Victoria)**.
- (2) An estate agent that arranges an auction or inspection in accordance with subclause (1) during the restricted activity period must not permit the number of members of the public in an indoor space to exceed the number permitted by the density quotient.

16 Education and childcare facilities

School and educational facilities

- (1) A person who owns, controls or operates a school or educational facility in the State of Victoria 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 State of Victoria may operate that school or facility for the purposes of providing:
 - (a) school educational services (including at a school or non-school senior secondary provider) and outside school hours care services:
 - (i) to a person enrolled in a special school; or
 - (ii) to a person who is enrolled to attend any primary or secondary school in the State of Victoria) and
 - (b) **higher education services** onsite if they are provided to a person who ordinarily resides in the State of Victoria where it is not reasonably practicable for the person to obtain the higher education services from the premises where the person ordinarily resides.

Childcare facilities

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

17 Licensed tourism services

- (1) A **licensed tourism operator** in the State of Victoria may only organise and operate licensed tourism services in the State of Victoria during the restricted activity period in accordance with these directions.

Enclosed vehicles

- (2) A licensed tourism operator who organises and operates **licensed tourism services** in the State of Victoria may operate or permit members of the public to operate an enclosed vehicle for the purpose of providing licensed tourism services to members of the public if:
 - (a) where the 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
 - (b) where members of the public are not 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:
 - (i) those persons who ordinarily reside together and any other persons with whom those people are in an intimate personal relationship; and
 - (ii) 2 other persons; and

- (iii) if a person referred to in subparagraph (ii) 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
- (c) the maximum duration members of the public are permitted to be in the vehicle is 30 minutes;

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.

Outdoor licensed tourism services

- (3) A licensed tourism operator who organises and operates licensed tourism services in the State of Victoria may operate and providing licensed tourism services to members of the public if:

- (a) except to the extent permitted under subclause (2)(a) and (4), the licensed tourism services are provided wholly in an outdoor space; and

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

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

- (b) the number of members of the public permitted to attend each tour is limited to:
 - (i) 10 (with any infant under one year of age not counting in this limit); or
 - (ii) all persons in the tour having the same ordinary place of residence; and
- (c) the 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 limits in subclause (3)(b).

- (d) no more than one tour group attends the same outdoor space at any one time, except where a reasonable distance between groups can be maintained at all times; and
- (e) the outdoor space is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
- (f) if any shared equipment is to be used, it must be cleaned between each use; and
- (g) 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.

*Note: all persons being provided with licensed tourism services are required to wear a face covering unless an exemption applies, in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**. All persons should ensure that duration of any exemption is as limited as possible.*

- (4) 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.

18 Creative arts facilities

- (1) A person who owns, controls or operates a creative arts facility in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.

- (2) A **creative arts facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) an art studio;
 - (b) a ceramics studio;
 - (c) a music room or studio;
 - (d) a rehearsal room or studio;
- but does not include:
- (e) a physical recreation facility; or
 - (f) a community facility; or
 - (g) a place of worship.

Indoor creative arts facility – indoor activities for persons aged 19 years and over

- (3) A person who owns, controls or operates a creative arts facility in the State of Victoria may operate that facility for use by members of public aged 19 years and over if:
- (a) activities are conducted in an indoor space; and
 - (b) the number of members of the public permitted in the facility at any time is limited to the lesser of:
 - (i) the density quotient; and
 - (ii) 20; and
 - (c) 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 density quotient; and
 - (ii) 10; and
 - (d) only one class or session commences at any given time and that time is at least 15 minutes after any other class or session has commenced; and
 - (e) the space available is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
 - (f) any shared equipment that is used, is cleaned between each user; and
 - (g) 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
 - (h) the person does not provide services to a member of the public at a member of the public's ordinary place of residence.

*Note: all persons at a creative arts facility are required to wear a face covering unless an exemption applies, in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**. All persons should ensure that duration of any exemption is as limited as possible.*

Indoor creative arts facility – indoor activities for persons aged 18 years and under

- (4) A person who owns, controls or operates a creative arts facility in the State of Victoria may operate that facility for use by members of public aged 18 years and under if:
- (a) activities are conducted in an indoor space; 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 permitted by the density quotient; and
 - (ii) 20; and
 - (c) 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 (c) 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 (c) without the child or dependant, then the child or dependant may accompany the person when attending the facility in accordance with paragraph (c).

- (d) 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
- (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) the person does not provide services to a member of the public at a member of the public's ordinary place of residence.

Outdoor creative arts facility

- (5) A person who owns, controls or operates a creative arts facility in the State of Victoria may operate that facility for use by members of public if:
 - (a) activities are conducted in an outdoor space; and
 - (b) the number of members of the public permitted in the outdoor space at any time is limited to 10 unless:
 - (i) paragraph (c)(ii) (same ordinary place of residence) applies; or
 - (ii) a reasonable distance can be maintained between each group, class or session at all times; and
 - (c) the number of members of the public permitted in each group, class or session at any time is limited to:
 - (i) 10 (with any infant under one year of age not counting in this limit); or
 - (ii) all persons in the group, class or session having the same ordinary place of residence; and
 - (d) the outdoor space is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
 - (e) if any shared equipment is to be used, it must be cleaned between each use.

19 Music

Professional music

- (1) A person who owns, controls or operates a facility in the State of Victoria which may only operate during the restricted activity period in accordance with these directions may also operate that facility for the purpose of hosting or providing a venue for professional music (including rehearsal and performance) if:
 - (a) each person involved in the music:
 - (i) subject to subparagraph (ii), maintains a distance of at least 5 metres from all other members of the public at all times during the music; and
 - (ii) maintains a distance of at least 2 metres from each other person involved in the music at all times during the music; and
 - (iii) is not directly above any other member of the public at any time during the music; and

- (iv) wears a face covering, except where doing would impede the music or where an exemption applies to the performer in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**; and

Examples: a singer or woodwind or brass instrumentalist would be impeded in a music performance if required to wear a face covering while rehearsing or performing and therefore is not required to do so.

- (b) if any shared equipment is used, it must be cleaned between users; and
- (c) the person otherwise operates the facility in accordance with these directions.

Examples: requirements apply to an entertainment facility that is a theatre, music hall, concert hall or auditorium, or arena, stadium or convention centre or animal facility under clause 8 and to a food and drink facility under clause 12.

Non-professional music

- (2) A person who owns, controls or operates a facility in the State of Victoria which may only operate during the restricted activity period in accordance with these directions may also operate that facility for the purpose of hosting or providing a venue for non-professional music (including rehearsal or performance) if:

- (a) each person involved in the music:
 - (i) subject to subparagraph (ii) maintains a distance of at least 5 metres from all other members of the public at all times during the music; and
 - (ii) maintains a distance of at least 2 metres from each other person involved in the music at all times during the music; and
 - (iii) is not directly above any other member of the public at any time during the music; and
 - (iv) wears a face covering, except where doing would impede the music or where an exemption applies to the performer in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**; and

Examples: a singer or woodwind or brass instrumentalist would be impeded in a music performance if required to wear a face covering while rehearsing or performing and therefore is not required to do so.

- (v) where the music is indoors, a maximum of 5 persons are permitted to sing or use or play a wind instrument or a brass instrument at any one time; and

- (b) if any shared equipment is used, it must be cleaned between users; and
- (c) the person otherwise operates the facility in accordance with these directions.

Examples: requirements apply to an entertainment facility that is a theatre, music hall, concert hall or auditorium, or arena, stadium or convention centre or animal facility under clause 8 and to a food and drink facility under clause 12.

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) **SARS-CoV-2 Symptoms** has the same meaning as in the **Workplace Directions (No. 9)**;
- (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** 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;
- (5) **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;
- (6) **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**;
- (7) **bottleshop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the premises;
- (8) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (9) **cardio or strength training facility** means a facility used predominantly for cardio, weight or strength training, including any cardio or strength training facility located wholly or partly within any other facility (including a physical recreational facility);
- (10) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (11) **childcare facility** means a facility providing a **childcare or early childhood service**;
- (12) **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;
- (13) **cleaned** has the same meaning as in the **Workplace Directions (No. 9)**;
- (14) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (15) **community facility** has the meaning in clause 7(2);
- (16) **COVID Marshal** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions (No. 11)**;
- (17) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions (No. 9)**;
- (18) **creative arts facility** has the meaning in clause 18(2);

- (19) **density quotient** has the same meaning as in the **Workplace Directions (No. 9)**;
- (20) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (21) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (22) **entertainment facility** has the meaning in clause 8(2);
- (23) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (24) **face covering** has the same meaning as in the **Workplace Directions (No. 9)**;
- (25) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (26) **food and drink facility** has the meaning in clause 12(2);
- (27) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (28) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**;
- (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. 14)**;
- (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 **physical recreational facility**, **food and drink facility** or **creative arts 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) **indoor zone** means a section of an **indoor space** that:
 - (a) is designated by the person who owns, controls or operates the indoor space as being for the exclusive use of specified members of the public; and
 - (b) is delineated by temporary barriers, tape, or other clearly visible markings or means;
- (38) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (39) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (40) **licensed premises** has the meaning in clause 11(2);
- (41) **licensed tourism operator** means a person granted a tour operator licence under:
 - (a) section 21B of the **Crown Land (Reserves) Act 1978**; or
 - (b) section 57F of the **Forests Act 1958**; or
 - (c) section 140I of the **Land Act 1958**; or
 - (d) section 27D of the **National Parks Act 1975**; or
 - (e) section 21B of the **Wildlife Act 1975**;

- (42) **licensed tourism services** means an activity, guided tour or recreation programme conducted or coordinated by an employee or officer of a **licensed tourism operator** that is undertaken for profit for tourism purposes including, but not limited to, ballooning, a walking or bushwalking tour, a bicycle tour, abseiling, rock climbing, canoeing, kayaking, white water rafting, diving, snorkelling, horse trail riding, marine based tours and surfing;
- (43) **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) a person who is providing music at the facility or venue in accordance with clause 19; or
 - (c) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (44) **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;
- (45) **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.*
- (46) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (47) **outdoor space** means a space that is not an **indoor space**;
- (48) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (49) **physical recreational facility** has the meaning in clause 5(2);
- (50) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (51) **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**;
- (52) **playground** means publicly accessible outdoor play equipment in a public park;
- (53) **premises** has the same meaning as in the PHW Act;
- (54) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (55) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (56) **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;
- (57) **religious practitioner** has the same meaning as subsection 995-1(1) of the **Income Tax Assessment Act 1997** of the Commonwealth;
- (58) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No. 16)**;
- (59) **restricted activity period** has the meaning in clause 4;
- (60) **restricted retail facility** has the meaning in clause 10(2);
- (61) **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;

- (62) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (63) **seated outdoor space** means an **outdoor space** with fixed seating;
- (64) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (65) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (66) **sexually explicit entertainment venue** means a venue at which **sexually explicit entertainment** is provided;
- (67) **State Library** means the State Library Victoria;
- (68) **vehicle** has the same meaning as in the PHW Act;
- (69) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (70) **Work Premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (71) **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 8 November 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 (Victoria)

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 severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions require everyone who ordinarily resides in the State of Victoria to:
 - (a) wear **face coverings**; and
 - (b) limit interactions with others by restricting gatherings.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions replace:
 - (a) the **Stay Safe Directions (Melbourne) (No. 2)**; and
 - (b) the **Stay Safe Directions (Non-Melbourne) (No. 6)**,
to apply consistent restrictions on leaving home.

2 Citation

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

3 Revocation

The:

- (1) **Stay Safe Directions (Melbourne) (No. 2)**; and
 - (2) **Stay Safe Directions (Non-Melbourne) (No. 6)**,
- are revoked at 11:59:00 pm on 8 November 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 8 November 2020 and ending at 11:59:00 pm on 6 December 2020.

PART 2 – STAY SAFE**5 Direction – staying safe while leaving the home**

Leaving the home

- (1) A person who ordinarily resides in the State of Victoria during the stay safe period may leave the **premises** where the person ordinarily resides for any reason subject to subclause (2).
- (2) When leaving their premises, a person:
 - (a) must comply with the face covering requirements in subclauses (7) and (8);
and
 - (b) if leaving the premises where they ordinarily reside for work or higher education services, must do so in accordance with clause 6 (**work or education**); and
 - (c) must comply with the restrictions on gatherings in clause 7 (**gatherings**); and

- (d) 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 (Victoria)**; and
 - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Victoria)** 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 SARS-CoV-2 and remain at their ordinary place of residence until they obtain their test result. If they are diagnosed with SARS-CoV-2, they must self-isolate in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 13)**.*

Ordinary place of residence

- (3) Subject to subclause (4), subclause (1) does not apply to a person at any time during the stay safe period when the person:
 - (a) no longer has an ordinary place of residence in the State of Victoria; or
 - (b) has an ordinary place of residence in the State of Victoria, 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).
 - (4) If a suitable premises is made available for a person identified in subclause (3) to reside at for the stay safe period (or part thereof), that premises is taken to be the person's ordinary place of residence for the stay safe period (or part thereof).
 - (5) 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 Victoria, these directions apply to them.*
- (6) 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.

Face covering requirements

- (7) A person may only leave the premises under subclause (1) if they:
 - (a) wear a face covering at all times; and
 - (b) if subclause (8) (other than subclause (8)(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.*
- (8) Subclause (7)(a) does not apply if:
 - (a) the person is an infant or a child under the age of 12 years; or
 - (b) the person is a student while onsite at a primary **school** or outside school hours care; or
 - (c) the person is a **prisoner** in a **prison** (either in their cell or common areas), subject to any policies of that prison; or
 - (d) the person is detained in a **remand centre**, **youth residential centre** or **youth justice centre** (either in their room or common areas), subject to any policies of that centre; or

- (e) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or
Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.
- (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
- (h) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
Examples: teaching, lecturing, broadcasting.
- (i) the person is working by themselves in an enclosed **indoor space** (unless and until another person enters that indoor space); or
Example: a person working by themselves in an office.
- (j) the person is working by themselves in an **outdoor space**, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises with them); or
Example: a farmer working by themselves in a field or with their family who lives with them.
- (k) the person is one of two persons being married while in the process of being married; or
- (l) the person is a professional sportsperson when training or competing; or
- (m) the person is engaged in any strenuous physical exercise; or
Examples: jogging, running.
- (n) the person is travelling in a **vehicle** by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (o) the person is riding a bicycle or motorcycle; or
- (p) the person is consuming food, drink or medicine; or
- (q) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (r) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (s) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions Victoria**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
Example: when having your photo taken by a professional photographer.
- (t) the person is asked to remove the face covering to ascertain identity; or
Examples: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
- (u) for emergency purposes; or
- (v) required or authorised by law; or
- (w) doing so is not safe in all the circumstances.

PART 3 – WORK OR EDUCATION

6 Leaving premises to attend work or education

- (1) A person who ordinarily resides in the State of Victoria may leave the premises where they ordinarily reside to:
 - (a) attend work (whether paid or voluntary, including for charitable or religious purposes); or

- (b) obtain **higher education services**,
if it is not reasonably practicable for the person to do so from those premises.

PART 4 – GATHERINGS

7 Restrictions on gatherings

Private gatherings

- (1) During the stay safe period, a person who ordinarily resides in the State of Victoria 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; or
Note: this includes a person who provides professional respite care for carers of people with complex needs, where that professional is permitted to work in accordance with the Directions currently in force.
Example: a tradesperson for the purpose of carrying out repairs.
 - (d) to provide childcare, child-minding, early childhood education, schooling or education services (whether paid or on a voluntary basis); or
 - (e) if that person is a parent or guardian of a child who ordinarily resides at the premises, to visit that child; or
 - (f) to provide care and support to a relative or other person who ordinarily resides at the premises and:
 - (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
 - (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
 - (g) to visit someone who ordinarily resides at those premises and with whom they are in an intimate personal relationship; or
Note: people in an intimate personal relationship may stay overnight at each other's ordinary places of residence, and are not required to wear a face covering while visiting each other at those premises, provided they otherwise comply with these directions.
 - (h) if the person is visiting for a social gathering (**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 and any other person with whom those people are in an intimate personal relationship; and
 - (ii) no more than one other person who is visiting for a social gathering; and
 - (iii) any infant under one year of age of a visiting person; and
 - (iv) any child or dependant permitted to accompany a person in accordance with subclause (3),

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

Note 1: under subclause (2)(h), only 2 people may visit for a social gathering each day, with any infant under one year of age and any child or dependant permitted to accompany such people under subclause (3) not counting towards this limit. The 2 people do not need to be from the same household and do not have to visit at the same time.

- (i) to attend an inspection of real estate for the purposes of a prospective sale or rental of the property, organised in accordance with any requirements in the **Restricted Activity Directions (Victoria)**; or
- (j) for the purpose of moving to the premises as the place where they will ordinarily reside; or
- (k) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (l) for medical or emergency purposes; or
- (m) for purposes relating to the administration of justice; or
- (n) as required or authorised by law; or
- (o) for the purposes of **national security**.

Note: subclause (1) does not apply to a care facility, as defined in the Care Facilities Directions (No. 16). Access and visits to care facilities are regulated by those directions.

- (3) If a person permitted to enter the premises under subclause (2) is a parent, guardian or carer of a child or dependant, and they cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependent unattended so that they can enter the premises in accordance with subclause (2) without the child or dependant, then the child or dependant may accompany that person when entering the premises in accordance with subclause (2).

Public gatherings

- (4) During the stay safe period, a person in the State of Victoria must not arrange to meet, or organise or intentionally attend a gathering of, more than 9 other persons (with any infant under one year of age not counting towards this limit) for a common purpose at a public place, except:

Note 1: under subclause (4), 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 (4) does not prevent a person attending a public place (for example, a shopping centre) for a purpose (for example, shopping), where other people are also likely to be attending that public place for a similar purpose. It prevents people from attending a public place intending to gather with other people for a common purpose (for example, meeting family or friends at the shopping centre).

- (a) where each other person ordinarily resides at the same premises; or
- (b) for the purpose of a religious gathering (including ceremonies) with no more than:
 - (i) 9 other persons if held in an indoor space; or
 - (ii) 49 other persons if held in an outdoor space, plus one faith leader, provided they comply with any requirements of the **Restricted Activity Directions (Victoria)**; or
- (c) for the purpose of attending a wedding in the State of Victoria that complies with the requirements in subclause (5); or
- (d) for the purpose of attending a funeral in the State of Victoria that complies with the requirements in subclause (6); or
- (e) for the purpose of attending **end of life** activity in the State of Victoria that complies with the requirements in subclause (7); 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 (Victoria)**; or

- (ii) to attend or undertake work or education services in accordance with clause 6; or
- (iii) medical or emergency purposes; or
- (iv) purposes as required or authorised by law; or
- (v) purposes relating to the administration of justice.

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

Weddings, funerals and end of life activities

(5) The requirements for a wedding held in the State of Victoria are that:

- (a) it involves only:
 - (i) the two persons being married; and
 - (ii) the **authorised celebrant**; and
 - (iii) a **photographer**; and
 - (iv) no more than 10 other guests, including the two persons witnessing the marriage for the purposes of section 44 of the **Marriage Act 1961** of the Commonwealth; and
- (b) in any case (other than at a person's ordinary place of residence), the total number of **members of the public** present at the same time in the space must not exceed the **density quotient**; and
- (c) if held at a person's ordinary place of residence, it must comply with the gathering restriction in subclauses (1) and (2)(a), (c), (g) and (h).

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

(6) The requirements for a funeral held in the State of Victoria are that it involves no more than:

- (a) 20 members of the public if held in an indoor space; or
- (b) 50 members of the public if held in an outdoor space,
with any infant under one year of age not counting towards these limits and:
- (c) in any case (other than at a person's ordinary place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient; and
- (d) if held at a person's ordinary place of residence, it must comply with the gathering restriction in subclauses (1) and (2)(a), (c), (g) and (h).

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

(7) The requirements for end of life activity in the State of Victoria are that:

- (a) if a person is experiencing end of life, that person or someone on their behalf may apply to the Chief Health Officer or the Deputy Chief Health Officer for permission to conduct an end of life activity; and

Examples: a patient is deteriorating and death is expected soon; a patient may be commenced on a care plan for the dying; a person is unlikely to be discharged if they are admitted to hospital.

- (b) the Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant permission for an end of life activity which involves:
 - (i) the person experiencing end of life and either:
 - (A) any other person (or people) who ordinarily reside at the same premises as that person; or
 - (B) 10 other people (with any infant under one year of age not counting towards this limit); and

- (ii) those people gathering indoors (including at a person's ordinary place of residence) or outdoors, or attending an entertainment or recreational facility which is permitted to operate in accordance with the Directions currently in force, but in each case only for a set period of time; and
- (c) in any case (other than at a person's ordinary place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient.

PART 5 – OTHER PROVISIONS

8 Relationship with other Directions

- (1) If there is any inconsistency between Parts 2, 3 and 4 of these directions and the **Diagnosed Persons and Close Contacts Directions (No. 13)**, 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. 16)**, these directions are inoperative to the extent of the inconsistency.
- (4) Unless the context otherwise requires, a reference in any Directions currently in force, in any Direction and Detention Notice, or in any approved form under a Direction currently in force or a Direction and Detention Notice to:
 - (a) a Direction currently in force or these directions, or a defined term in a Direction currently in force or these directions, will be taken to mean that direction (and hence that defined term) as amended or replaced from time to time; or
 - (b) an earlier version of a particular Direction currently in force or these directions will be taken to be a reference to the current version of that particular direction.

9 Definitions

For the purposes of these directions:

- (1) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (2) **care facility** has the same meaning as in the **Care Facilities Directions (No. 16)**;
- (3) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
 - (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations** including long day care services, 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;
- (4) **density quotient** has the same meaning as in the **Workplace Directions (No. 9)**;
- (5) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (6) **Directions currently in force** means the **Restricted Activity Directions (Victoria)**, the **Stay Safe Directions (Victoria)**, the **Diagnosed Persons and Close Contacts Directions (No. 13)**, the **Hospital Visitor Directions (No. 14)**, the **Care Facilities Directions (No. 16)**, the **Workplace Directions (No. 9)**, the **Workplace (Additional Industry Obligations) Directions (No. 11)**, each as amended or replaced from time to time;

- (7) **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));
- (8) **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);
- (9) **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;
- (10) **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;
- (11) **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;
- (12) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (13) **outdoor space** means a space that is not an **indoor space**;
- (14) **photographer** means a person who takes photographs as a business and has an Australia Business Number for this purpose;
- (15) **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;
- (16) **prison** has the same meaning as in the **Corrections Act 1986**;
- (17) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (18) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (19) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (20) **stay safe period** has the meaning in clause 4;
- (21) **vehicle** has the same meaning as in the PHW Act;
- (22) **visiting person** has the meaning in clause 7(2)(h);
- (23) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (24) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

10 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Dated 8 November 2020

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

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Workplace (Additional Industry Obligations) Directions (No. 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 presence of a person with a positive diagnosis of Novel Coronavirus 2019 (**SARS-CoV-2**) at a **Work Premises** is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to establish additional specific obligations on **employers** and **workers** in specific industries in relation to managing the risk associated with SARS-CoV-2.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions are intended to supplement any obligations an employer may have under the **OHS Act** and the **Workplace Directions (No. 9)** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace (Additional Industry Obligations) Directions (No. 10)** and:
 - (a) remove workforce caps that applied to abattoirs and meat processing facilities, poultry processing facilities and seafood processing facilities;
 - (b) extend the requirement for workers who have worked at a care facility with an active case to have a 14-day rest period prior to working at another facility to all care facilities in Victoria; and
 - (c) remove some testing requirements for care facilities workers and seasonal workers.

2 Citation

- (1) These directions may be referred to as the **Workplace (Additional Industry Obligations) Directions (No. 11)**.
- (2) The **Workplace (Additional Industry Obligations) Directions (No. 10)** are revoked at 11:59:00 pm on 8 November 2020.

3 Deleted clause**4 Commencement**

These directions commence at 11:59:00 pm on 8 November 2020 and end at 11:59:00 pm on 6 December 2020.

5 Application of directions to certain employers and roles

- (1) These directions apply to **Additional Obligation Industries**, namely:
 - (a) **poultry processing facilities**; and
 - (b) **abattoirs and meat processing facilities**; and
 - (c) **seafood processing facilities**; and
 - (d) **supermarket Work Premises** and **perishable food Work Premises**; and
 - (e) **warehousing and distribution centres**; and
 - (f) **manufacturing facilities**; and

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

*Note: each of the Additional Obligation Industries is a high-risk industry for the purposes of control arrangements made under the **Emergency Management Act 2013**.*

- (2) These directions apply to Additional Obligation Industries Work Premises that are located:
 - (a) in relation to warehousing and distribution centres, manufacturing facilities, wholesale facilities, supermarket Work Premises and perishable food Work Premises, in **Metropolitan Melbourne**; and
 - (b) in relation to all other Additional Obligation Industries not referred to in subclause (2)(a), anywhere in Victoria.

6 High Risk COVIDSafe Plan

- (1) Each Additional Obligation Industry Work Premises (except for manufacturing facilities), and **labour hire providers** (to the extent they provide any onsite services for seasonal workers such as transport or accommodation), must have a **High Risk COVIDSafe Plan**.

Note 1: where a Work Premises includes operations in relation an Additional Obligation Industry and another industry, the Work Premises must still have a High Risk COVIDSafe Plan to the extent these directions require a High Risk COVIDSafe Plan.

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

- (1A) This clause 6 does not apply to care facilities, except for subclauses (5) and (5A).

Note: the exception of care facilities from the requirements in clause 6 (other than in subclauses (5) and (5A)) does not exempt care facilities from satisfying equivalent requirements imposed under other regulatory arrangements.
- (2) A **High Risk COVIDSafe Plan** is comprised of the form accessible from the following website <https://www.coronavirus.vic.gov.au/high-risk-covidsafe-plan> (as amended from time to time by the Victorian Government).
- (3) An employer and the employer's workers must comply with the High Risk COVIDSafe Plan.
- (4) An employer must:
 - (a) comply with any direction given by an **Authorised Officer** or WorkSafe **inspector** to modify a High Risk COVIDSafe Plan, including (but not limited to):
 - (i) following an outbreak of **confirmed cases** of SARS-CoV-2 at a Work Premises;
 - (ii) if the Authorised Officer considers that the High Risk COVIDSafe Plan is not fit for purpose; and
 - (b) implement any modifications required in accordance with subclause (4)(a).

Record-keeping obligations

- (5) An employer must keep records to demonstrate compliance with these directions, including (but not limited to):
 - (a) the High Risk COVIDSafe Plan;
 - (b) all logs created during the time these directions are in place;
 - (c) Work Premises rosters;
 - (d) time and attendance records;

- (e) payroll data;
 - (f) records of all workers and all visitors who attend the Work Premises in accordance with the **records requirement**.
- (5A) In collecting the information outlined in subclause (5), an employer must:
- (a) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer; and
 - (g) destroy the information as soon as **reasonably practicable**, unless another statutory requirement permits or requires the personal information to be retained.

Compliance

- (6) An Authorised Officer or inspector (or their nominated representative) may conduct:
- (a) an inspection of a Work Premises; or
 - (b) an inspection or audit of the records of an employer,
- to assess an employer's compliance with these directions.

Consultation

- (7) An employer in relation to an Additional Obligation Industry Work Premises (except for retail facilities) must, to the extent reasonably practicable, consult with health and safety representatives, together with workers who are, or are likely to be, directly affected:
- (a) to identify or assess risks to health or safety at a workplace; and
 - (b) to make decisions about the measures to be taken to control risks to health and safety; and
 - (c) to determine if any risk identified under subclause (7)(a) is either under the employer's management and control or arises from the employer's conduct; and
 - (d) to make decisions about the adequacy of facilities for the welfare of workers; and
 - (e) in making decisions about procedures to resolve health and safety issues, including (but not limited to):
 - (i) procedures around health and safety consultation itself;
 - (ii) procedures to monitor the health of workers and the conditions of the workplace;
 - (iii) procedures to provide information and training to workers; and
 - (f) by a change to:
 - (i) a workplace; or
 - (ii) the plant, substances, or other things used at a workplace; or
 - (iii) the conduct of work performed at a workplace.

7 Additional Industry Obligations

- (1) An employer in relation to an Additional Obligation Industry Work Premises (except for care facilities) must:
- (a) have a **personal protective equipment** training plan in place as soon as reasonably practicable after 11 August 2020 that:
 - (i) is consistent with best practice training plans; and
 - (ii) is provided to workers in multiple formats (for example, infographics and text); and

- (iii) is accessible for multilingual workers; and
Note: use of pre-existing materials and other guidance is acceptable.
- (b) have a cleaning log on display in all shared workplaces and publicly accessible areas which sets out:
 - (i) the dates, times and frequency with which the relevant area has been **cleaned**, including (but not limited to) frequently touched surfaces, toilets and handrails; and
 - (ii) shifts or other relevant worker group changes (where applicable) to show that relevant areas have been cleaned in between shift changes; and
- (c) require workers to declare in writing at the start of each shift but before entering a Work Premises that the worker:
 - (i) is free of **SARS-CoV-2 Symptoms**; and
 - (ii) has not been in contact with a confirmed case; and
 - (iii) is not currently required to **self-isolate** or **self-quarantine** in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 13)**.

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

- (2) Workers must not attend a Work Premises if they have been tested for SARS-CoV-2 because they are symptomatic whilst awaiting the result of that test or while their symptoms persist.
- (3) An employer in relation to an Additional Obligation Industry Work Premises (except for care facilities) must increase the regularity of comprehensive cleaning by ensuring all areas where workers are working are cleaned at least daily.

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

Additional health screening for abattoirs and meat processing facilities, poultry processing facilities, seafood processing facilities, supermarket Work Premises, and those perishable food Work Premises that are chilled distribution facilities

- (4) In relation to a Work Premises that is an abattoir, meat processing facility, poultry processing facility, seafood processing facility, supermarket Work Premises, or a **perishable food Work Premises** that is a chilled distribution facility, an employer must:
 - (a) carry out surveillance testing on its workers for SARS-CoV-2 at a Work Premises in accordance with the requirements of the Department of Health and Human Services; and
 - (b) designate an **employee** or employees as a **COVID Marshal**:
 - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and
 - (ii) who has successfully completed training provided by the employer that is in accordance with guidance from the Department of Health and Human Services; and
 - (c) arrange operations at the Work Premises so as to have workers working consistently with the same group of other workers where reasonably practicable, including (but not limited to):
 - (i) developing separate shifts in a way that minimises physical interactions between groups of workers attending different shifts;
 - (ii) separates workers into work areas;
 - (iii) dividing work areas up further into separate teams;

- (iv) providing separate break areas for the separate teams;
 - (v) requiring teams to use separate entrances and exits from other teams;
 - (vi) having a COVID Marshal(s) at the Work Premises whenever workers are on site;
 - (vii) where workers are from the same household, ensuring they work in the same shift and work area; and
- (d) provide regular training to workers (including, but not limited to, an induction for all workers commencing at, or returning to, the Work Premises) that covers:
- (i) good hygiene practices; and
 - (ii) advising workers not to attend the Work Premises when unwell; and
 - (iii) compliance with the requirements of subclause (4)(c); and
- (e) carry out comprehensive cleaning of the Work Premises each evening; and
- (f) keep records of surveillance testing of workers for SARS-CoV-2; and
- (g) keep records of duty rosters for COVID Marshals.

Additional health screening for abattoirs and meat processing facilities, poultry processing facilities and seafood processing facilities

- (5) In relation to a Work Premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility, an employer must:
- (a) ensure that all workers at the Work Premises wear the appropriate level of personal protective equipment:
 - (i) to carry out the functions of the worker's role; and
 - (ii) to mitigate the introduction of SARS-CoV-2 at the Work Premises including (but not limited to):
 - (A) at a minimum, wearing a surgical face mask; and
 - (B) a face shield; and
 - (C) suitable protective clothing which should be changed at the end of each shift and washed appropriately,unless it is not reasonably practicable to wear a surgical face mask, a face shield and/or protective clothing in the Work Premises or the nature of a worker's work means that it creates a risk to their health and safety; and

Metropolitan Melbourne

- (6) In relation to **supermarkets** and perishable food warehouses and distribution facilities in Metropolitan Melbourne:
- (a) **supermarket Work Premises** means the total of all supermarket distribution facilities;
 - (b) **perishable food Work Premises** means a Work Premises that is predominantly a perishable food facility that is a chilled distribution facility.
- (7) In relation to any supermarket Work Premises or perishable food Work Premises that is a chilled distribution facility in Metropolitan Melbourne, an employer must ensure that all workers at the supermarket Work Premises or perishable food Work Premises (as applicable) wear a surgical face mask, unless the nature of a worker's work means that it creates a risk to their health and safety.

Note: surgical face masks may create a risk to health and safety in those parts of a chilled distribution facility where the temperature is below negative five degrees Celsius. If a surgical face mask cannot be worn, the employer is still required to ensure an employee uses a suitable fitted face covering, such as a cloth mask of three plies.

Warehousing and distribution centres

- (8) In relation to a Work Premises that is a chilled distribution facility in relation to warehousing and distribution centres, an employer must ensure that all workers at the Work Premises wear a surgical face mask, unless the nature of a worker's work means that it creates a risk to their health and safety.

Note: surgical face masks may create a risk to health and safety in those parts of a chilled distribution facility where the temperature is below negative five degrees Celsius. If a surgical face mask cannot be worn, the employer is still required to ensure an employee uses a suitable fitted face covering, such as a cloth mask of three plies.

Horticulture Work Premises using seasonal workers for seasonal horticultural work

- (9) An employer may only operate a seasonal Work Premises using seasonal workers for seasonal horticultural work if it complies with subclauses (10) to (20) (inclusive).
- (10) In relation to a seasonal Work Premises, an employer must;
- (a) carry out surveillance testing on its seasonal workers for SARS-CoV-2 at a seasonal Work Premises in accordance with the requirements of the Department of Health and Human Services; and
 - (b) keep written records of surveillance testing of seasonal workers for SARS-CoV-2 and have them available for inspection by an Authorised Officer upon request.
- (11) In collecting the information outlined in subclause (10), an employer must:
- (a) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer; and
 - (b) destroy the information as soon as reasonably practicable following 28 days after receipt of the information by the employer, unless another statutory requirement permits or requires the personal information to be retained.
- (12) The employer must arrange operations at the Work Premises so as to have seasonal workers working consistently with the same group of other workers where reasonably practicable, including (but not limited to):
- (a) developing separate shifts in a way that minimises physical interactions between groups of workers attending different shifts;
 - (b) separate workers into work areas;
 - (c) dividing work areas up further into separate teams;
 - (d) providing suitable separate break areas for the separate teams including, to the extent possible, outdoor break areas with shade;
 - (e) where workers are from the same household, ensuring they work in the same shift and work area.

Note: To the extent it is the reasonably practicable, there should be no mixing of the worker 'bubbles' on site. Workers within a bubble should work and take breaks together. In addition, worker bubbles should, to the extent that is reasonably practicable, be maintained with respect to accommodation and transport.

- (13) In addition to the requirements of the Seasonal Horticultural Worker COVIDSafe Plan, the employer must record on a daily basis the roster of workers, including the work areas, work teams and breaks taken for each worker bubble.
- (14) The employer must provide training to seasonal workers (including, but not limited to, an induction for all workers commencing at, or returning to, the Work Premises) that covers:
- (a) good hygiene practices; and
 - (b) advising workers not to attend the Work Premises when unwell; and
 - (c) compliance with the requirements of subclause (10).

- (15) The employer must carry out cleaning of the seasonal Work Premises each evening and provide:
- (a) clean water and soap for washing hands; and
 - (b) well-maintained toilet facilities,
- for workers, in a location or locations that are reasonably adjacent to work areas and, as far as is practicable, separate from the employer's premises or farm homestead.
- (16) In relation to seasonal Work Premises, an employer must:
- (a) make available an adequate supply of face coverings free of charge to seasonal workers employed or engaged at the seasonal Work Premises; and
 - (b) ensure that all seasonal workers at the seasonal Work Premises wear a face covering at all times (other than to eat, drink and take medications), unless the nature of a seasonal worker's work means that it creates a risk to their health and safety or any of the other circumstances set out in section 7(2) of the **Workplace Directions (No. 9)** apply.
- (17) Where the employer or labour hire provider provides accommodation to a seasonal worker they must ensure that the arrangements in relation to **seasonal worker accommodation** are included in the attachment to their Seasonal Horticultural Worker COVIDSafe Plan in accordance with the requirements of subclause (18).
- (18) Where the employer or labour hire provider provides seasonal worker accommodation to a seasonal worker, they must specify in the attachment to their Seasonal Horticultural Worker COVIDSafe Plan the arrangements in relation to seasonal worker accommodation provided by the employer or labour hire provider, with respect to:
- (a) density;
 - (b) sanitation;
 - (c) use of communal facilities;
 - (d) regular cleaning; and
 - (e) the provision of alternative facilities where a resident is required to self-isolate as a confirmed case or close contact under the **Diagnosed Persons and Close Contacts Directions (No. 13)**,
- having regard to guidance produced by the Department of Jobs, Precincts and Regions and the Department of Health and Human Services.
- (19) Where the employer or labour hire provider provides **seasonal worker transport** (whether that transport is owned or leased) to a seasonal worker they must ensure that arrangements in relation to the seasonal worker transport are included in the attachment to their Seasonal Horticultural Worker COVIDSafe plan in accordance with the requirements of subclause (20).
- (20) Where the employer or labour hire provider provides seasonal worker transport to a seasonal worker, they must specify in the attachment to their Seasonal Horticultural Worker COVIDSafe Plan the arrangements in relation to seasonal worker transport provided by the employer or labour hire provider, with respect to:
- (a) distancing;
 - (b) wearing of masks;
 - (c) ventilation; and
 - (d) regular cleaning,

having regard to guidance produced by the Department of Jobs, Precincts and Regions and the Department of Health and Human Services.

Care facilities

- (21) An employer in relation to a Work Premises that is a care facility in Victoria must require **care facility workers** in relation to the care facility to declare in writing at the start of each shift that the worker:
- (a) is free of SARS-CoV-2 Symptoms; and
 - (b) has, in the preceding 14 days, not been in contact with a confirmed case (except in the course of their duties while wearing appropriate personal protective equipment); and
 - (c) is not currently required to self-isolate or self-quarantine under the **Diagnosed Persons and Close Contacts Directions (No. 13)**.

- (22) An employer in relation to a Work Premises that is a care facility in Victoria must:
- (a) carry out surveillance testing for SARS-CoV-2 on its employees and contractors in relation to the care facility where directed by the Chief Health Officer or their delegate, and in accordance with the requirements of the Department of Health and Human Services; and

Note: the Department of Health and Human Services may set different surveillance testing requirements for different care facilities (e.g. based on the type of facility, or location), depending on associated levels of risk.

- (b) keep records of surveillance testing of employees and contractors for SARS-CoV-2.
- (23) Despite clause 5(1)(b) of the **Care Facilities Directions (No. 16)**, an employer in relation to a Work Premises that is a care facility in Victoria must not permit an employee or contractor to enter the care facility where:

- (a) the employee or contractor has, on or after 4 October 2020, worked at another care facility; and
- (b) at the time the employee or contractor worked at that other care facility, a confirmed case was present at that other facility,

unless:

- (c) at least 14 days have elapsed since the last time the employee or contractor worked at that other facility while a confirmed case was present; and
- (d) within four days prior to the date that the employee or contractor is expected to work at the care facility, the employee or contractor has:
 - (i) undertaken a test for SARS-CoV-2;
 - (ii) received confirmation that the results of that test were negative; and
 - (iii) not worked at another care facility since that test; and
- (e) the employee or contractor has provided evidence of the negative test result to the employer prior to commencing work at that care facility.

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

Note: the effect of subclause (23) is that, in the event of an outbreak of SARS-CoV-2 at a care facility, an employee or contractor present during the outbreak must only work at that facility, and cannot be permitted to work at other care facility. Such employees or contractors must wait a minimum period of 14 days and test negative for SARS-CoV-2, before moving from that care facility to commence work at another care facility.

- (24) An employer in relation to a Work Premises that is a care facility in Victoria must comply with cleaning and personal protective equipment requirements in accordance with the requirements of the Department of Health and Human Services.
- (25) The Chief Health Officer may grant an exemption in writing to the requirements of subclause (23).

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

7A Relationship with other directions

- (1) If there is any inconsistency between these directions and a direction or other requirement contained in a **Direction and Detention Notice**, these directions are inoperative to the extent of the inconsistency.
- (2) If there is any inconsistency between these directions and a direction or other requirement contained in the **Workplace Directions (No. 9)**, the **Workplace Directions (No. 9)** are inoperative to the extent of the inconsistency.

8 Other definitions

For the purposes of these directions:

- (1) **SARS-CoV-2 Symptoms** has the same meaning as in the **Workplace Directions (No. 9)**;
- (2) **abattoir** has the meaning under the PrimeSafe licence categories “abattoirs (domestic)” and “abattoirs (exports)”;
- (3) **Additional Obligation Industries** has the meaning in clause 5(1);
- (4) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (5) **care facility** has the same meaning as in the **Care Facilities Directions (No. 16)**;
- (6) **care facility worker** has the same meaning as “worker” in clause 6(1) of the **Care Facilities Directions (No. 16)**;
- (7) **cleaned** has the same meaning as in the **Workplace Directions (No. 9)**;
- (8) **cleaning requirement** has the same meaning as in the **Workplace Directions (No. 9)**;
- (9) **confirmed case** means a worker diagnosed with SARS-CoV-2;
- (10) **COVID Marshal** has the meaning in clause 7(4)(b);
- (11) **density quotient** has the same meaning as in the **Workplace Directions (No. 9)**;
- (12) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (13) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (14) **employee** includes a person who is self-employed;
- (15) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (16) **face covering** has the same meaning as in the **Workplace Directions (No. 9)**;
- (17) **High Risk COVIDSafe Plan** has the meaning in clause 6(2);
- (18) **inspector** has the same meaning as in the **OHS Act**;
- (19) **labour hire provider** means a person who arranges, engages, supplies, subcontracts or otherwise provides seasonal workers (as employees, independent contractors or otherwise) for seasonal horticultural work (and includes a person who is self-employed or a sole trader);
- (20) **manufacturing facility** means a facility mainly engaged in the physical or chemical transformation of materials, substances or components into new products (excluding agriculture and construction);
- (21) **meat processing facility** has the meaning under the PrimeSafe licence category “further meat processing facilities”;
- (22) **Metropolitan Melbourne** means the area within the municipal districts under the local government of the municipal councils set out in Schedule 2 of the **Planning and Environment Act 1987**;

- (23) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (24) **outbreak** means:
- (a) a single **confirmed case** of SARS-CoV-2 in a resident, staff member or frequent attendee of a residential aged care facility; or
 - (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;
- Note: transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. In some circumstances, the Department of Health and Human Services may identify other settings that are sensitive and where a single confirmed case will trigger an outbreak response. Relevant parties will be informed if this occurs. Determining whether a person is a frequent or infrequent visitor may be based on frequency of visits, time spent in the setting, and number of contacts within the setting.*
- (25) **perishable food Work Premises** has the meaning in clause 7(6)(b);
- (26) **personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;
- (27) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (28) **poultry processing facility** has the meaning under the PrimeSafe licence category “poultry meat processing facilities”;
- (29) **premises** has the same meaning as in the **PHW Act**;
- (30) **reasonably practicable** is to have its ordinary and common sense meaning;
- (31) **records requirement** has the same meaning as in the **Workplace Directions (No. 9)**;
- (32) **seafood processing facility** has the meaning under the PrimeSafe licence category “seafood processing facilities”;
- (33) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 13)**;
- (34) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 13)**;
- (35) **seasonal horticultural work** means work that is seasonal in nature in the horticulture (ie production of fruit and vegetables) sector of the agriculture industry, including the picking, packing and harvesting of seasonal produce, but does not include:
- (a) the production of nuts, wine grapes and olives; or
 - (b) storage and distribution activities that occur post production;
- (36) **seasonal worker** means a worker temporarily employed or engaged to perform seasonal horticultural work at seasonal work premises;
- (37) **seasonal worker accommodation** means any on-farm or off-farm accommodation provided for seasonal workers on a temporary basis by the employer or labour hire provider where the number of seasonal workers is greater than two and the accommodation is not the seasonal worker’s usual place of residence;
- (38) **seasonal worker transport** means any transport provided by the employer or labour hire provider used for transporting seasonal workers;
- (39) **seasonal Work Premises** means a farm or workplace where seasonal horticultural work is undertaken;
- (40) **supermarket** has the same meaning as “supermarket business” in the **Food Act 1984**, and includes supermarket distribution and warehousing (including in relation to liquor products) but excludes retail facilities;
- (41) **supermarket Work Premises** has the meaning in clause 7(6)(a);
- (42) **vehicle** has the same meaning as in the **PHW Act**;

- (43) **wholesale facility** means a facility used for selling and distributing bulk quantities of goods, including related functions such as storage, sorting, packing and bulk distribution;
- (44) **Work Premises** means the **premises** of an **employer** in which work is undertaken, including any **vehicle** whilst being used for work purposes, and including a **seasonal Work Premises**;
- Note: a Work Premises does not include an employee's ordinary place of residence.*
- (45) **worker** includes **employees**, labour hire, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work.

9 Penalties

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

False or misleading information

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

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

Note: currently, 60 penalty units equals \$9,913 and 300 penalty units equals \$49,566.

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

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

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

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

Compliance with direction or other requirement

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

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

Note: currently, 120 penalty units equals \$19,826 and 600 penalty units equals \$99,132.

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

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

- (a) 10 penalty units (\$1,652) in the case of a natural person; or
- (b) 60 penalty units (\$9,913) in the case of a body corporate.

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

Dated 8 November 2020

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

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Workplace Directions (No. 9)**

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

1 Preamble

- (1) The presence of a person with a positive diagnosis of Novel Coronavirus 2019 (**SARS-CoV-2**) at a **Work Premises** is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to limit the number of Victorians attending Work Premises to assist in reducing the frequency and scale of **outbreaks** of SARS-CoV-2 in Victorian workplaces and to establish more specific obligations on **employers** and **workers** in relation to managing the risk associated with SARS-CoV-2.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions are intended to supplement any obligation an employer may have under the **OHS Act** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace Directions (No. 8)** and alter the **records requirement** and definition of **density quotient**.

2 Citation

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

3 Deleted clause**4 Revocation**

The **Workplace Directions (No. 8)** are revoked at 11:59:00 pm on 8 November 2020.

5 Commencement

These directions commence at 11:59:00 pm on 8 November 2020 and end at 11:59:00 pm on 6 December 2020.

6 Operation of a Work Premises

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

*Note: the **Stay Safe Directions (Victoria)** permit a person to leave the premises where they ordinarily reside to attend work only if it is not reasonably practicable to work from their premises.*

- (2) An employer must comply with the **Workplace (Additional Industry Obligations) Directions (No. 11)** where it applies to that employer.
- (3) Where an employer permits or requires work to be performed at a Work Premises, the employer must comply with clauses 7 to 9.

7 Preventative measures at Work Premises to reduce the risk of SARS-CoV-2*Face coverings requirement*

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

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

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

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

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

COVIDSafe Plan

- (3) Subject to subclause (5), an employer must, for each Work Premises:
- (a) have in place a COVIDSafe Plan, which addresses the health and safety issues arising from SARS-CoV-2, including but not limited to:
Note 1: employers can use the template plan accessible from the following website for guidance: www.business.vic.gov.au/disputes-disasters-and-succession-planning/covid-safe-business/creating-a-covid-safe-workplace#yourcovidsafeplan.
*Note 2: some employers will be required to have a High Risk COVIDSafe plan as set out in the **Workplace (Additional Industry Obligations) Directions (No. 11)**.*
 - (i) the employer's process for implementing the record-keeping obligation under subclause (7);
 - (ii) the appropriate level of **PPE** to be worn at the Work Premises;
 - (iii) actions taken by the employer to mitigate the introduction of SARS-CoV-2 at the Work Premises;

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

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

Record-keeping obligations (records requirement)

- (7) Subject to subclause (9), an employer must keep a record of all workers and all visitors who attend the Work Premises for longer than 15 minutes (at a minimum), which includes:
- (a) the person's first name; and
 - (b) a contact phone number; and
 - (c) the date and time at which the person attended the Work Premises; and
 - (d) the areas of the Work Premises which the person attended.
- Note: the records requirement applies in respect of all persons that attend the facility or venue for longer than 15 minutes, which may include staff, customers, and maintenance and delivery workers.*
- (8) An employer may comply with the record-keeping requirements in subclause (7) in relation to a worker or visitor where the worker or visitor records their visit to the Work Premises using a digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government for that purpose.
- (9) An employer is not required to comply with the record keeping requirement in subclause (7):

- (a) where they are operating a Work Premises which is a **market**, market stall, a **retail facility** or **retail shopping centre** with respect to customers who attend that Work Premises, where it is not practicable to do so; or
 - (b) in relation to essential support groups and health services if confidentiality is typically required.
Example: support groups for alcohol and drugs or family violence typically require confidentiality.
- (10) In handling the information outlined in subclause (7):
- (a) an employer who uses a system other than a digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government must:
 - (i) not collect personal information unless the information is necessary to meet the requirements outlined in subclause (7);
 - (ii) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer (or a person assisting an Authorised Officer); and
Note: information should be collected in a way that protects it from being disclosed to other patrons.
Example: where using a paper-based method, a sheet of paper could be placed over previous visitor details on a sheet that records the names.
 - (iii) use reasonable endeavours to notify the person from whom the personal information is being collected that the primary purpose of collection is for SARS-CoV-2 contact tracing, and that their personal information may be collected and stored by the Victorian Government for this purpose; and
 - (iv) destroy the information as soon as reasonably practicable following 28 days after the attendance at the Work Premises, unless a statutory requirement permits or requires the personal information to be retained;
Note: Clause 10(a) is intended to apply to employers who use a third party digital system, or other system (e.g. paper based record keeping), to create a worker or visitor record, whether or not:
 - (a) the employer also uses a digital system provided by the Service Victoria CEO and other parts of the Victorian Government to comply with subclause (7).
 - (b) the third party digital system, or other system used by the employer links to a digital system provided by the Service Victoria CEO and other parts of the Victorian Government.
 - (b) Service Victoria and/or another operator of a system provided by the Victorian Government, must destroy the information as soon as reasonably practicable following 28 days after the attendance at the Work Premises, unless a statutory requirement permits or requires the personal information to be retained.

Density quotient (**Density quotient**)

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

Note 1: in relation to a school, non-school senior secondary providers, education and care service, or childcare or early childhood service, spaces for the purpose of student and children use (such as classrooms, hallways and gymnasiums) are not subject to the density quotient. The density quotient does, however, still apply to spaces used only by staff (such as staff lunchrooms, photocopier room, principal's office, back of reception and resource rooms). The density quotient also applies to any publicly accessible areas (including in relation to a school, non-school senior secondary providers, or childcare or early childhood service), and any such publicly accessible areas that are subject to the signage requirements under subclause (13).

*Note 2: in relation to a school, non-school senior secondary providers, or childcare or early childhood service using facilities other than the school or childcare premises, the density quotient of the relevant facility and the relevant requirements of the facilities' COVIDSafe Plan will apply to the school, non-school senior secondary providers, or childcare or early childhood service use of that facility. As an alternative to using the facility's COVIDSafe Plan, the school, non-school senior secondary providers, or childcare or early childhood service may apply their own COVIDSafe Plan to the use of the facility, so long as it has been adjusted so that it is fit for purpose taking into account the unique features of the relevant facility. If the facility is being used exclusively by a single school, non-school senior secondary providers, or childcare or early childhood service for educational purposes, the restrictions and guidance on teachers, staff, students and children under the **Restricted Activity Directions (Victoria)** apply in relation to the school, non-school senior secondary providers, or childcare or early childhood service having exclusive use of that facility.*

(12) The **density quotient** for the purposes of subclause (11) limits:

- (a) the number of people who are permitted in a shared space; and
- (b) the number of **members of the public** who are permitted in a publicly accessible space,

at any one time to the number calculated by dividing the total accessible space (measured in square metres):

- (c) by 2 in relation to an outdoor space of a **food and drink facility or food court**; or
- (d) by 4 in relation to any other shared space or publicly accessible area, except for those covered under clause 7(12)(c), and:
 - (i) for an indoor space, applies to each single undivided space permitted to operate under these directions; and
 - (ii) for an **indoor zone**, applies to each indoor zone within an indoor space permitted to operate under these directions; and
- (e) by 8 in relation to an indoor space of a food court; and:
- (f) in relation to a publicly accessible space, for an outdoor space (other than in relation to a food and drink facility or food court), market or retail shopping centre, applies to the total space permitted to operate under these directions.

*Note: the number of people allowed in a shared space or publicly accessible area may be subject to any cap under the **Restricted Activity Directions (Victoria)** that is less than the number of people allowed under the density quotient.*

Example:

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

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

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

Signage requirements (signage requirement)

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

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

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

Cleaning requirements (cleaning requirement)

- (15) An employer must take all reasonable steps to ensure that shared spaces at which work is performed and areas accessible to members of the public at any Work Premises are **cleaned** on a regular basis, including:
- (a) frequently touched surfaces, including toilets and handrails, are cleaned at least twice on any given day; and
 - (b) surfaces are cleaned when visibly soiled; and
 - (c) if a function is to occur, a reasonable period of time has elapsed since the conclusion of any earlier function to allow for cleaning in between the functions; and
 - (d) surfaces accessible to a particular group are cleaned between groups; and
Example: cleaning surfaces between shifts of workers.
 - (e) surfaces are cleaned immediately after a spill on the surface.
- (16) To ensure a surface is cleaned for the purposes of these directions, a person must wipe the surface with a disinfectant:
- (a) the label of which states a claim by the manufacturer that the disinfectant has anti-viral properties; or
 - (b) made by a person according to instructions issued by the Department.
- (17) A person who owns, operates or controls a market stall, market or retail shopping centre must comply with the cleaning requirement respectively for the market stall, market or the **common areas** of the retail shopping centre.

Reducing work across multiple sites

- (18) Subject to subclause (19), an employer must not require or permit a worker to perform work at more than one Work Premises of the employer.
- (19) Subclause (18) does not apply where it is not practicable to limit a worker to only one Work Premises.
Examples: healthcare and social care workers, tradespeople performing essential repairs.
- (20) Where subclause (19) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of workers working across multiple Work Premises.
Example: rosters.
- (21) If a worker is working at more than one Work Premises for two or more different employers:
- (a) the worker must provide a written declaration to each employer to advise them that the worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
 - (b) each employer must maintain a record of all workers who have disclosed to the employer under subclause (21)(a) that they are working across more than one Work Premises.

8 Responding to a suspected case of SARS-CoV-2 in a Work Premises

- (1) An employer must not require a worker to perform work at a Work Premises if the worker is displaying one or more **SARS-CoV-2 Symptoms**.
- (2) As soon as practicable after becoming aware of a suspected case in a worker who has attended a Work Premises in the period commencing 48 hours prior to the onset of symptoms, an employer must:
 - (a) advise the worker to **self-isolate** immediately and support the worker in doing so, by either:
 - (i) directing the worker to travel home immediately (and providing support to the worker to do so); or
 - (ii) where the worker is unable to travel home immediately, directing the worker to isolate themselves at the Work Premises and, whilst doing so, to wear a face covering and remain at least 1.5 metres from any other person at the Work Premises, until the worker can return home later that day to self-isolate; and

Note: the worker should isolate in a separate room from other persons, where possible.
 - (b) advise the worker to be tested for SARS-CoV-2 as soon as practicable, and to self-isolate whilst awaiting the result of that test; and
 - (c) take all reasonably practicable steps to manage the risk posed by the suspected case, including but not limited to:
 - (i) cleaning areas of the Work Premises used by the suspected case (including their personal workspace and any areas in the Work Premises frequently used by the suspected case);
 - (ii) cleaning high-touch surfaces at the Work Premises likely to have been frequented by the suspected case; and

Examples: lift buttons, door handles, washroom facilities, kitchen facilities, water coolers. For further information, see the guidance at www.dhhs.vic.gov.au/cleaning-and-disinfecting-reduce-covid-19-transmission-tips-non-healthcare-settings.
 - (d) ensure appropriate records are maintained in accordance with clause 7(7) in order to support contact tracing if the suspected case becomes a confirmed case, particularly from the period commencing 48 hours prior to the onset of symptoms in the suspected case; and
 - (e) inform all workers (including the **health and safety representative**) to be vigilant about the onset of symptoms of SARS-CoV-2 and advise all workers to be tested for SARS-CoV-2 and self-isolate if they become symptomatic.
- (3) If an employer becomes aware of three or more suspected cases in relation to workers at one Work Premises within a five day period, the employer must, as soon as practicable, undertake a risk assessment to determine whether the Work Premises (or the relevant parts of the Work Premises) must be closed to allow appropriate action to be taken.

Note 1: appropriate action may include, but is not limited to, vacating the Work Premises to allow a comprehensive clean to be undertaken and the Work Premises to then be re-opened pending the outcome of SARS-CoV-2 test results. Guidance on undertaking a risk assessment, and implementing appropriate action, will be provided by the Department to assist in conducting this risk assessment.

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

9 Responding to a confirmed case of SARS-CoV-2 in a Work Premises

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

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

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

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

- (i) if the close contact is a worker, direct them to leave the Work Premises and advise them to **self-quarantine**; and
 - (ii) if the close contact is not a worker, issue them a written communication to recommend that they self-quarantine in accordance with guidance from the Department; and
- (f) notify all workers when a worker has tested positive to SARS-CoV-2; and
 - (g) inform all workers (including health and safety representatives) to be vigilant about the onset of symptoms of SARS-CoV-2 and advise all workers to be tested for SARS-CoV-2 and self-quarantine if they become symptomatic; and
 - (h) put in place appropriate control / risk management measures to reduce the risk of spreading SARS-CoV-2 at the Work Premises; and

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

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

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

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

9A Relationship with other directions

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

10 Other definitions

For the purposes of these directions:

- (1) **SARS-CoV-2 Symptoms** means symptoms consistent with SARS-CoV-2, including but not limited to the following:
 - (a) a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°C (such as night sweats, chills);
 - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
 - (c) loss of smell;
 - (d) loss of taste;
- (2) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (3) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
 - (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations**, including long day care services, kindergartens/preschool and family daycare services, but not including outside school hours care services; and
 - (b) **Children Services Act 1996**, including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (4) **cleaned** has the meaning in clause 7(16);

- (5) **cleaning requirement** has the meaning in clause 7(15) to (17) (both inclusive);
- (6) **close contact** means any person who has had contact greater than 15 minutes face-to-face, cumulative, or has shared a closed space for more than two hours, with a **confirmed case** during the **Relevant Period**;
- (7) **commercial passenger vehicle services** has the same meaning as in the **Transport Integration Act 2010**;
- (8) **common areas** of a **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (9) **confirmed case** means a diagnosis of SARS-CoV-2 in a **worker** at the **Work Premises**;
- (10) **Department** means the Department of Health and Human Services;
- (11) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 13)**;
- (12) **diagnosed worker** means a **worker** who is a **diagnosed person**;
- (13) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (14) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (15) **employee** includes a person who is self-employed;
- (16) **employer** means a person who owns, operates or controls **Work Premises** (or a Work Premises) and includes a person who is self-employed;
- (17) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection;
- (18) **food and drink facility** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (19) **food court** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (20) **health and safety representative** has the same meaning as in the **OHS Act**;
- (21) **indoor space** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (22) **indoor zone** means a section of an **indoor space** that:
 - (a) is of at least 200 square metres in area; and
 - (b) is designated by the person who owns, controls or operates the indoor space as being for the exclusive use of specified members of the public; and
 - (c) is delineated by landmarks or visible markings;
- (23) **inspector** has the same meaning as in the **OHS Act**;
- (24) **market** means a public market, whether indoor or outdoor, including a food market;
- (25) **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;
- (26) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (27) **outbreak** means:
 - (a) a single confirmed case of SARS-CoV-2 in a resident, staff member or frequent attendee of a residential aged care facility; or

- (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;

Note: transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. Also, in some circumstances, the Department may identify other settings that are sensitive and where a single confirmed case will trigger an outbreak response. Relevant parties will be informed if this occurs. Determining whether a person is a frequent or infrequent visitor may be based on frequency of visits, time spent in the setting, and number of contacts within the setting.

- (28) **outdoor space** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (29) **passenger services** has the same meaning as in the **Transport Integration Act 2010**;
- (30) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (31) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (32) **PPE** means personal protective equipment;
- (33) **premises** has the same meaning as in the **PHW Act**;
- (34) **reasonably practicable** is to have its ordinary and common sense meaning;
- (35) **records requirement** has the meaning in clause 7(7) to (10) (both inclusive);
- (36) **Relevant Period** has the meaning given in clause 9(1);
- (37) **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;
- (38) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (39) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (40) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 13)**;
- (41) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 13)**;
- (42) **Service Victoria** has the same meaning as in the **Service Victoria Act 2018**;
- (43) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (44) **signage requirement** has the meaning in clause 7(13) and (14);
- (45) **suspected case** means a person who is displaying one or more **SARS-CoV-2 Symptoms**;
- (46) **vehicle** has the same meaning as in the **PHW Act**;
- (47) **Work Premises** means the **premises** of an **employer** in which work is undertaken, including any **vehicle** whilst being used for work purposes, but excluding an employee's ordinary place of residence;
- Note: this includes a community facility such as a community centre or community hall, or a public library, or a place of worship.*
- (48) **WorkSafe** means WorkSafe Victoria;
- (49) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work.

11 Penalties

(1) Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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

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

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

Dated 8 November 2020

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

Public Health and Wellbeing Act 2008

Section 200

**DIRECTION FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Diagnosed Persons and Close Contacts Directions (No. 13)**

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

1 Preamble

- (1) The purpose of these directions is to require persons:
 - (a) diagnosed with severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) to self-isolate;
 - (b) who are living with a **diagnosed person**, or who have been in close contact with a diagnosed person, to self-quarantine;
in order to limit the spread of SARS-CoV-2.
- (2) These directions replace the **Diagnosed Persons and Close Contacts Directions (No. 12)**, and clarify the circumstances in which a close contact's period of self-quarantine may be extended as a result of a failure to take a test for SARS-CoV-2.

2 Citation

These directions may be referred to as the **Diagnosed Persons and Close Contacts Directions (No. 13)**.

3 Commencement and revocation

- (1) These directions commence at 11:59:00 pm on 8 November 2020.
- (2) The **Diagnosed Persons and Close Contacts Directions (No. 12)** are revoked at 11:59:00 pm on 8 November 2020.

4 Self-isolation for diagnosed persons

Who is a diagnosed person?

- (1) A person is a **diagnosed person** if the person:
 - (a) at any time between midnight on 25 March 2020 and 11:59:00 pm on 6 December 2020 has been informed that they have been diagnosed with SARS-CoV-2; and
 - (b) has not been given, or is not taken to have been given, **clearance from self-isolation** under clause 5.

Requirement to self-isolate

- (2) A diagnosed person must **self-isolate** under these directions:
 - (a) if the diagnosis is communicated to the person on or after the commencement of these directions; or
 - (b) if the diagnosis was communicated to the person before the commencement of these directions.

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

Location of self-isolation

- (3) A diagnosed person must self-isolate:
 - (a) if subclause (2)(a) applies, at the **premises** chosen by the person under subclause (4); or

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

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

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

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

Self-isolation period

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

Notifications by the diagnosed person

- (8) Immediately after choosing a premises under subclause (4), the diagnosed person must:
 - (a) if any other person is residing at the premises chosen by the diagnosed person, notify the other person that:
 - (i) the diagnosed person has been diagnosed with SARS-CoV-2; and
 - (ii) the diagnosed person has chosen to self-isolate at the premises; and
 - (b) notify the **Department** of:
 - (i) the address of the premises chosen by the diagnosed person; and
 - (ii) the name of any other person who is residing at the premises chosen by the diagnosed person.
- (9) If, during the period that a diagnosed person is self-isolating at a premises for the purposes of clause 4, another person informs the diagnosed person that they intend to commence residing at the premises chosen by the diagnosed person:
 - (a) the diagnosed person must inform the other person of their diagnosis; and
 - (b) if the other person commences residing at the premises, the diagnosed person must notify the Department that a person has commenced residing with the diagnosed person and of the name of that person.

5 Clearance from self-isolation

- (1) A diagnosed person is given **clearance from self-isolation** if:
 - (a) an officer or nominated representative of the Department makes a determination under subclause (2) in relation to the person; and
 - (b) the person is given notice of the determination in accordance with subclause (3).
- (2) For the purposes of subclause (1)(a), an officer or nominated representative of the Department may make a determination in relation to a person if the officer or nominated representative is satisfied that the person meets the criteria for discharge from self-isolation under existing **Departmental Requirements**.

- (3) For the purposes of subclause (1)(b), the notice must be in writing but is not required to be in a particular form.
- (4) A person who has been given clearance from self-isolation, however expressed, under a Revoked Isolation Direction is taken to have been given clearance from self-isolation under this clause.

6 Self-quarantine for close contacts

Who is a close contact?

- (1) For the purposes of this clause, a person is a **close contact** if:
 - (a) an officer or nominated representative of the Department has made a determination under subclause (2) in relation to the person; and
 - (b) between midnight on 11 May 2020 and 11:59:00 pm on 6 December 2020, the person has been given notice of the determination in accordance with subclause (3).
- (2) For the purposes of subclause (1)(a), an officer or nominated representative of the Department may make a determination in relation to a person if the officer or nominated representative is satisfied, having regard to, and in accordance with, Departmental Requirements, that the person is a close contact for the purposes of the Departmental Requirements.

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

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

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

Requirement to self-quarantine

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

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

Location of self-quarantine

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

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

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

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

End of self-quarantine period

- (7) For the purposes of this clause, the period of self-quarantine ends:
- (a) subject to paragraphs (b) and (c), at the time specified in the notice given under subclause (1)(b) as given or as varied under subclause (9); or
 - (b) if the notice given to the person under subclause (1)(b) is revoked under subclause (9), at the time that revocation takes effect; or
 - (c) if the person becomes a diagnosed person following a test for SARS-CoV-2, when the diagnosis is communicated to the person.

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

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

Exception – previous clearance

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

Review of determination and notice

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

Transitional provision – close contacts under Revoked Isolation Directions

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

Notifications by the close contact

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

7 Testing of persons in self-quarantine

- (1) If a person is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person:
 - (a) is tested for SARS-CoV-2; and
 - (b) the period for which the person is required to self-quarantine under clause 6 expires during the period in which the person is awaiting the result of that test, the period of self-quarantine is extended until the person receives the result of the test.

Note: persons who are in self-quarantine and experience a temperature higher than 37.5 degrees or symptoms of acute respiratory infection are encouraged to get tested. In certain circumstances, a person may be required to comply with an order that they undergo a medical test: PHW Act, section 113(3).

- (2) If a person is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person receives a test result stating that they have been diagnosed with SARS-CoV-2, the person becomes a diagnosed person and must self-isolate under clause 4.
- (3) If a person is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person receives a test result stating that they have not been diagnosed with SARS-CoV-2, the person:
 - (a) if the period for which the person is required to self-quarantine under clause 6 has not expired – must continue to self-quarantine under that clause for the remainder of that period; or
 - (b) if the period of self-quarantine was extended under subclause (1) – may cease self-quarantining; or
 - (c) if the period of self-quarantine was extended under subclause (4) – may cease self-quarantining at the time referred to in clause 6(7)(a) and, if that time has already passed, may cease self-quarantining immediately.
- (4) If a person is required to self-quarantine under clause 6 because they are a close contact of a diagnosed person and the person refuses or otherwise fails to take a test for SARS-CoV-2 when offered on or about the eleventh day of their period of self-quarantine, the period of self-quarantine is extended until 10 days after the time specified in the notice given under clause 6(1)(b) as given or as varied under clause 6(9).

Note 1: close contacts will typically be offered a test for SARS-CoV-2 on day 11 of their self-quarantine, as testing at this time is likely to detect the presence of SARS-CoV-2 in close contacts who have contracted the virus, even if they have not yet developed symptoms. As a person may be infectious for up to 10 days after the 14 day incubation period, where a test does not occur, an additional 10 days of quarantine is required to prevent transmission, even where a person is not symptomatic.

Note 2: In some circumstances, the Chief Health Officer or Deputy Chief Health Officer may consider it appropriate to exempt a person from the extension of their self-quarantine period under clause 9, having regard to the need to protect public health and relevant principles in the PHW Act as they apply in the person's individual circumstances.

8 Requirements of self-isolation and self-quarantine

- (1) This clause applies to a person who is required to:
 - (a) **self-isolate** at a premises under clause 4; or
 - (b) **self-quarantine** at a premises under clause 6.
- (2) The person identified in subclause (1):
 - (a) must reside at that premises for the entirety of the period of self-isolation or self-quarantine, as the case requires, except for any period that the person is admitted to a hospital or other facility for the purposes of receiving medical care; and

- (b) must not leave the premises, except:
 - (i) for the purposes of obtaining medical care or medical supplies; or
 - (ii) for the purposes of getting tested for SARS-CoV-2; or
 - (iii) in any emergency situation; or
 - (iv) if required to do so by law; or
 - (v) for the purposes of visiting a patient in hospital if permitted to do so under the **Hospital Visitor Directions (No. 14)**; or
 - (vi) for the purposes of working in a **care facility** if permitted to do so under the **Care Facilities Directions (No. 16)**; and
 - (c) must not permit any other person to enter the premises unless:
 - (i) that other person:
 - (A) ordinarily resides at the premises; or
 - (B) is required to self-isolate or self-quarantine at the premises under these directions; or
 - (ii) it is necessary for the other person to enter for medical or emergency purposes; or
 - (iii) the other person is a **disability worker**, and it is necessary for the disability worker to enter for the purpose of providing a **disability service** to a person with a **disability**; or
 - (iv) it is necessary for the other person to enter for the purpose of providing personal care or household assistance to the person as a result of that person's age, disability or chronic health condition; or
Examples: personal care includes assistance with showering, toileting, eating; household assistance includes help with cooking, house cleaning, laundry and gardening.
 - (v) the entry is otherwise required or authorised by law.
- (3) Subclause (2)(c) does not apply to a person who is a **resident** of a care facility.
Note: the Care Facilities Directions (No. 16) govern who can enter a care facility.

9 Exemption power

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

10 Definitions

In these directions:

- (1) **authorised officer** has the same meaning as in the PHW Act;
- (2) **care facility** has the same meaning as in the **Care Facilities Directions (No. 16)**;
- (3) **close contact** has the meaning in clause 6(1);

- (4) **Department** means the Victorian Department of Health and Human Services;
- (5) **Departmental Requirements** means the document titled ‘Case and contact management guidelines for health services and general practitioners’ available at <https://www.dhhs.vic.gov.au/health-services-and-professionals-coronavirus-covid-19>, as amended or reissued from time to time by the Victorian Government;
- (6) **clearance from self-isolation** has the meaning in clause 5(1);
- (7) **diagnosed person** has the meaning in clause 4(1);
- (8) **emergency powers** has the same meaning as in the PHW Act;
- (9) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 14)**;
- (10) **premises** means:
 - (a) a building, or part of a building; and
 - (b) any land on which the building is located, other than land that is available for communal use;
- (11) **resident** of a care facility has the same meaning as in the **Care Facilities Directions (No. 16)**;
- (12) **Revoked Isolation Directions** means the following directions:
 - (a) **Isolation (Diagnosis) Direction**, given on 25 March 2020;
 - (b) **Isolation (Diagnosis) Direction (No. 2)**, given on 13 April 2020;
 - (c) **Diagnosed Persons and Close Contacts Directions**, given on 11 May 2020;
 - (d) **Diagnosed Persons and Close Contacts Directions (No. 2)**, given on 31 May 2020;
 - (e) **Diagnosed Persons and Close Contacts Directions (No. 3)**, given on 21 June 2020;
 - (f) **Diagnosed Persons and Close Contacts Directions (No. 4)**, given on 1 July 2020;
 - (g) **Diagnosed Persons and Close Contacts Directions (No. 5)**, given on 15 July 2020;
 - (h) **Diagnosed Persons and Close Contacts Directions (No. 6)**, given on 19 July 2020;
 - (i) **Diagnosed Persons and Close Contacts Directions (No. 7)**, given on 22 July 2020;
 - (j) **Diagnosed Persons and Close Contacts Directions (No. 8)**, given on 3 August 2020;
 - (k) **Diagnosed Persons and Close Contacts Directions (No. 9)**, given on 13 August 2020;
 - (l) **Diagnosed Persons and Close Contacts Directions (No. 10)**, given on 16 August 2020;
 - (m) **Diagnosed Persons and Close Contacts Directions (No. 11)**, given on 13 September 2020;
 - (n) **Diagnosed Persons and Close Contacts Directions (No. 12)**, given on 11 October 2020;
- (13) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
 - (a) disability;
 - (b) disability service;
 - (c) disability worker.

11 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Dated 8 November 2020

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

Public Health and Wellbeing Act 2008

Section 200

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

Hospital Visitor Directions (No. 14)

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

1 Preamble

- (1) The purpose of these directions is to prohibit non-essential visits to hospitals in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions replace the **Hospital Visitor Directions (No. 13)**, and;
 - (a) permit one household per day to visit patients in a hospital;
 - (b) remove the time limit on visits to patients in maternity wards; and
 - (c) provide that persons aged under 16 years are no longer excluded from entering or remaining at a hospital, where permitted to do so under these directions.

2 Citation

These directions may be referred to as the **Hospital Visitor Directions (No. 14)**.

3 Revocation

The **Hospital Visitor Directions (No. 13)** are revoked at 11:59:00 pm on 8 November 2020.

4 Prohibition on entry

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

Excluded persons

- (2) Despite subclause (1), a worker or a visitor or a person referred to in subclause (1)(d) must not enter or remain at a hospital in Victoria between (and including) 11:59:00 pm on 8 November 2020 and 11:59:00 pm on 6 December 2020 if:
 - (a) the person has been diagnosed with SARS-CoV-2, and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions (No. 13)**; or
 - (b) during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia; or
 - (c) during the 14 days immediately preceding the entry, the person had known contact with a person who has been diagnosed with SARS-CoV-2; or
*Note: a person who has had known contact with a person who has been diagnosed with SARS-CoV-2 may also be required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions (No. 13)**.*
 - (d) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection; or
 - (e) in the case of a visitor – the person has been tested for SARS-CoV-2, and has not yet received the results of that test.

Hospital may permit certain excluded persons to visit

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

*Note: a person who has been diagnosed with SARS-CoV-2 and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions (No. 13)** may be authorised to visit the hospital under this subclause. Such authorisation has to be given by the hospital and the Chief Health Officer or the Deputy Chief Health Officer, and can be subject to conditions: see subclause (6).*

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

Note: a hospital may determine whether it will allow a person who has been in close contact with a person who has been diagnosed with SARS-CoV-2, who has recently arrived from overseas or who has been tested for SARS-CoV-2 and has not yet received the results of their test to visit the hospital in certain specified circumstances, and what conditions it will impose on such visits.

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

5 Definition of worker

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

6 Definition of visitor, limits on visits

- (1) A person is a **visitor** in relation to a patient of a hospital if:
- (a) the person is described in one of subclauses 6(2)(a) to (2)(n); and
 - (b) the person's visit to the hospital satisfies the limits specified in italics below the relevant subclause.
- (2) A person may visit a patient in a hospital if:
- (a) the person is visiting the patient alone, or with any other person or people who ordinarily reside at the same premises as the person; or
*Limit: only 1 household per day, 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 at the same time, for unlimited periods, under paragraph (b).
Note 2: In permitting household visits, a hospital must still comply with the density quotient that limits the number of persons permitted in shared or publicly accessible places.
 - (b) in the case of a patient of the hospital aged under 18 years – the person is the **parent, carer or guardian** of the patient or has temporary care of the patient; or
Limit: maximum of two parents, carers or guardians at any one time for an admitted child (under 18 years).
Example: As parents, carers or guardians are a critical part of a child's care team, there may be times during an in-patient stay when it is necessary for two parents to be with their child at any one time to enable informed shared decision making and care provision.
 - (c) in the case of a patient of the hospital aged 18 years or over – the person is the parent, guardian, partner, carer or support person of the patient, and the person's presence at the hospital is for the purpose of providing emotional, cultural, spiritual or social support to the patient that cannot reasonably be provided by that person via electronic or other non-contact means; or
Limit: only 1 visitor, once per day, for a maximum of 2 hours.

- (d) the person's presence at the hospital is for the purposes of providing essential care and support necessary for the patient's physical wellbeing that optimises the care and support delivered by workers at the hospital and cannot reasonably be provided by that person via electronic means; or
- Limit: only 1 visitor at any one time.*
- Example: providing ongoing support, assistance or personal care to a patient with activities of daily living such as showering, dressing or meals.*
- (e) the person's presence at the hospital is for the purposes of providing essential care and support necessary for the patient's emotional, cultural, spiritual or social wellbeing (including mental health supports) that optimises the care and support delivered by workers at the hospital and cannot reasonably be provided by that person via electronic means; or
- Limit: only 1 visitor at any one time.*
- Example: the person's physical presence is necessary to support individual behaviours of concern, such as for people living with dementia, cognitive impairment or cognitive disability or who have a known or emerging serious mental illness.*
- Example: the person's physical presence is necessary to support decision making for a person with cognitive impairment or cognitive disability.*
- (f) the person's presence at the hospital is for the purposes of acting as an interpreter or providing informal language support to enable the delivery of care by workers at the hospital; or
- Limit: only 1 visitor at any one time.*
- (g) in the case of a pregnant patient of the hospital whose status as a patient relates to the pregnancy, including during labour, birth and the immediate postnatal period prior to transfer out of the birth suites – the person is the patient's partner or support person; or
- Limit: only 1 visitor at any one time.*
- (h) in the case of a patient of the hospital who is in a maternity ward during pregnancy or after the birth of their baby – the person is the patient's partner or support person; or
- Limit: only 1 visitor, once per day.*
- (i) in the case of a patient of the hospital attending at the hospital's emergency department – the person is accompanying the patient; or
- Limit: only 1 visitor, once per day, for a maximum of 2 hours. Where the patient is aged under 18 years, the visitor may be the person accompanying the patient to the emergency department, or up to two parents, carers or guardians with no time limit.*
- (j) in the case of a patient of the hospital attending an outpatient appointment or pathology or imaging procedure – the person is accompanying the patient; or
- Limit: only 1 visitor, once per day.*
- Note: in circumstances where physical distancing cannot be maintained, no visitor or support person would attend outpatient appointments unless the patient is under 18 years, or if the patient is over 18 years but the visitor is providing support as outlined under clause 6(2)(d) or 6(2)(e).*
- (k) the person's presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
- Limit: maximum of 2 visitors at any one time.*
- Example: patient is deteriorating, and death is expected within days (including periods of up to 14 days); patient may be commenced on a care plan for the dying; is unlikely to be discharged from this admission.*
- (l) in the case of a patient of the hospital whose medical condition is life threatening – the person is an immediate family member of the patient; or
- Limit: maximum of 2 visitors at any one time.*
- Note: immediate family members could include people with kinship ties to the patient who may not be blood relatives, in particular for Aboriginal and Torres Strait Islander people and families.*

- (m) in the case of a patient of the hospital who has a mental illness – the person is the patient’s **nominated person** and the person’s presence at the hospital is for the purposes of matters relating to their role as nominated person; or
Limit: only 1 visitor at any one time, for a maximum of 2 hours per visit.
 - (n) the person’s presence at the hospital is for the purposes of the person learning to support the patient’s care upon the patient’s discharge.
Limit: only 1 visitor, once per day, for a maximum of 2 hours.
Examples: learning how to care for a newborn, or to manage specific needs in a home setting.
- (3) Except in the situations referred to in subclause (a), (2)(b), (2)(i), (2)(k) or 6(2)(l), no more than 1 visitor may visit a patient at any one time.

7 Exemption power

The Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant an exemption from these directions in respect of a specified area of a hospital if the Chief Health Officer or the Deputy Chief Health Officer, as the case requires, is satisfied, having regard to the need to limit the spread of SARS-CoV-2, that an exemption is appropriate due to:

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

8 Operator to take all reasonable steps

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

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

9 Other Definitions

For the purposes of these directions:

- (1) **contractor**, in relation to a hospital means a person engaged as a contractor by the operator of the hospital in relation to the provision of health, medical or pharmaceutical services by the hospital;
Examples: Visiting Medical Officers, locum doctors.
- (2) **end of life**, in relation to a patient:
 - (a) means a situation where the patient’s death is expected within days (including periods of 14 days or longer), or where the patient, with or without existing conditions, is at risk of dying from a sudden acute event;
 - (b) does not mean a situation where a patient has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the patient is expected to die within 12 months (except where the situation also falls within paragraph (a)).
- (3) **hospital** means:
 - (a) a public hospital; or
 - (b) a denominational hospital; or

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

10 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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

Dated 8 November 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. 16)

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 severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) within a particularly vulnerable population, balancing the need to limit the spread of SARS-CoV-2 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. 15)** and:
 - (a) permit one household per day to visit residents in care facilities statewide;
 - (b) remove the restriction on hairdressers attending a care facility in metropolitan Melbourne;
 - (c) permit parents and guardians to make declarations on behalf of children visiting care facilities; and
 - (d) permit family members, including parents, guardians and persons with temporary care of a child, and people with kinship ties who may not be blood relatives, to visit children in care facilities.

2 Revocation

The **Care Facilities Directions (No. 15)** are revoked at 11:59:00 pm on 8 November 2020.

3 Citation

- (1) These directions may be referred to as the **Care Facilities Directions (No. 16)**.

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 8 November 2020 and 11:59:00 pm on 6 December 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 8 November 2020 and 11:59:00 pm on 6 December 2020 if:
- (a) the person is required to self-isolate under the **Diagnosed Persons and Close Contacts Directions (No. 13)**; or
 - (b) the person is required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions (No. 13)**; 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 SARS-CoV-2 may also be required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions (No. 13)**.*
- (e) the person has **SARS-CoV-2 Symptoms**; or
 - (f) in the case of a visitor – the person has been tested for SARS-CoV-2, and has not yet received the results of that test.

Certain excluded persons may be permitted to work in or visit a 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 SARS-CoV-2 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 resident 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, diversional and recreational therapies, music therapies.

 - (iv) other support services; or
 - (d) in the case of a **disability residential service** or an eligible SDA enrolled dwelling – the person's presence at the premises of the facility is for the purposes of providing treatment under a treatment plan to a resident of the facility, whether the treatment is provided for consideration or on a voluntary basis; or
 - (e) in the case of a secure welfare service – the person's presence at the premises of the facility is for the purposes of providing educational services to a resident of the facility, whether the goods or services are provided for consideration or on a voluntary basis; or
 - (f) the person's presence at the premises of the facility is authorised or required for the purposes of emergency management, law enforcement, or the performance of a duty, function or power under a law.

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

7 Definition of visitor, limits on visits

- (1) A person is a **visitor** in relation to a care facility if:
- (a) the person is described in one of subclauses (2)(a) to (2)(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) 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 per day, subject to the **density quotient**, for a maximum of 2 hours per visit.*

Note 1: Family members may continue to visit infants or children under 18 years residing at a care facility together, for unlimited periods, under paragraph (b).

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.

- (b) in the case of a resident of a facility aged under 18 years – the person is a family member of the resident; or

*Limit: subject to the **density quotient**.*

Note: family members of a resident include persons who are a parent or guardian of the resident or have temporary care of the resident. Family members of a resident could also include people with kinship ties to the resident who may not be blood relatives, in particular for Aboriginal and Torres Strait Islander people and families.

- (c) 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.

- (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)(b), 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 **SARS-CoV-2 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. 13)**.

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

*Note 2: operators of care facilities are subject to additional obligations under the **Workplace (Additional Industry Obligations) Directions (No. 11)**.*

- (3) Where a visitor in relation to a care facility is aged under 18 years, a parent or guardian of the visitor may make the declaration required of the visitor by the operator of the care facility under subclause (2) on the visitor's behalf.

9 Relationship with other Directions

- Where the premises of a care facility are located within the premises of a hospital subject to the **Hospital Visitor Directions (No. 14)** these directions apply, to the exclusion of the **Hospital Visitor Directions (No. 14)**, in relation to the premises of the care facility and to matters that relate to the care facility.
- These directions operate alongside, and are not intended to derogate from, obligations imposed on operators of care facilities under the **Workplace Directions (No. 9)** and **Workplace (Additional Industry Obligations) Directions (No. 11)**.

10 Definitions

For the purposes of these directions:

- alcohol and drug residential service** means any of the following:
 - a treatment centre within the meaning of the **Severe Substance Dependence Treatment Act 2010**;

- (b) a residential treatment service (however described) that provides drug or alcohol withdrawal or rehabilitation services in a residential setting to people dependent on alcohol or other drugs;
 - (c) a service that provides supported accommodation to a person after the person has received residential treatment services of the kind referred to in paragraph (b);
 - (2) **care facility** has the meaning in clause 4;
 - (3) **confirmed case** means a person who has been diagnosed with SARS-CoV-2;
 - (4) **density quotient** has the same meaning as in the **Workplace Directions (No. 9)**;
 - (5) **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".*
- (6) **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**;
 - (7) **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));
 - (8) **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;
 - (9) **flexible care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
 - (10) **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;
 - (11) **nominated person** in relation to a resident has the same meaning as in the **Mental Health Act 2014**;
 - (12) **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**;
- (13) **proprietor** of a **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
 - (14) **provides labour hire services** has the same meaning as in the **Labour Hire Licensing Act 2018**;
 - (15) **registered NDIS provider** has the same meaning as in the **National Disability Insurance Scheme Act 2013** of the Commonwealth;
 - (16) **resident** of a care facility includes a patient of the care facility;
 - (17) **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;
 - (18) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
 - (19) **SARS-CoV-2 Symptoms** means symptoms consistent with SARS-CoV-2, including but not limited to the following:
 - (a) a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°C (such as night sweats or chills);
 - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
 - (c) loss of smell;
 - (d) loss of taste;
 - (20) **secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;
 - (21) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
 - (22) **Thomas Embling Hospital** means the hospital of that name operated by the **Victorian Institute of Forensic Mental Health**;
 - (23) 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;
 - (24) **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 8 November 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

Revocation of Area Directions (No. 9)

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

1 Revocation

The **Area Directions (No. 9)** are revoked with effect from 11:59:00 pm on 8 November 2020.

2 References in other directions

A reference in any other directions to the **Area Directions (No. 9)** is of no effect from 11:59:00 pm on 8 November 2020.

Dated 8 November 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

Revocation of Metro-Regional Work Travel Permit Scheme Directions

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

1 Revocation

The **Metro-Regional Work Travel Permit Scheme Directions** are revoked with effect from 11:59:00pm on 8 November 2020.

2 References in other Directions currently in force

- (1) A reference in any other **Directions currently in force** to the **Metro-Regional Work Travel Permit Scheme Directions** is of no effect from 11:59:00 pm on 8 November 2020.
- (2) A provision in any other Directions currently in force, or an approved form under a Direction currently in force, which purports to require a person to :
 - (a) have received a **Metro-Regional Work Travel Permit**; or
 - (b) be permitted to enter the **Restricted Area** or **Relevant Area** (as applicable) for work without a Metro-Regional Work Travel Permit,under the **Metro-Regional Work Travel Permit Scheme Directions** is of no effect from 11:59:00 pm on 8 November 2020.

3 Definitions

For the purposes of this revocation:

- (1) **Directions currently in force**;
- (2) **Metro-Regional Work Travel Permit**;
- (3) **Relevant Area**; and
- (4) **Restricted Area**,

each have the same meaning as in the **Metro-Regional Work Travel Permit Scheme Directions**.

Dated 8 November 2020

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

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