



# Victoria Government Gazette

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## Public Health and Wellbeing Act 2008

### Section 200

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

#### Stay Safe Directions (Victoria) (No. 2)

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

#### PART 1 – PRELIMINARY

##### 1 Preamble

- (1) The purpose of these directions is to address the serious public health risk posed to Victoria by 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 the **Stay Safe Directions (Victoria)** to ease the requirements to wear face coverings and the restrictions on private and public gatherings.

##### 2 Citation

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

##### 3 Revocation

The **Stay Safe Directions (Victoria)** are revoked at 11:59:00 pm on 22 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 22 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, must do so in accordance with clause 6 (**work**); 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) (No. 2)**; and

**SPECIAL**

- (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Victoria) (No. 2)** in accordance with any requirements set out in those directions.

*Note 1: a person should take reasonable steps to maintain a distance of 1.5 metres from all other persons (except those people with whom they ordinarily reside) when leaving their premises, and should practise hand hygiene in accordance with the Department of Health and Human Services' guidelines as updated from time to time, available at: [www.dhhs.vic.gov.au/staying-safe-covid-19](http://www.dhhs.vic.gov.au/staying-safe-covid-19).*

*Note 2: if a person experiences a temperature higher than 37.5°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:
- no longer has an ordinary place of residence in the State of Victoria; or
  - 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:
- carry a face covering at all times, except where subclause (8)(a), (c), (d) and (e) applies; and
  - wear a face covering while in:
    - an **indoor space**, other than in the premises where the person ordinarily resides, while visiting a person with whom they are in an intimate personal relationship in accordance with clause 7(2)(g) or while visiting another premises for a social gathering in accordance with clause 7(2)(h); and
    - an **outdoor space** at all times when they cannot maintain a distance of 1.5 metres from all other persons (except those people with whom they ordinarily reside or with whom they are in an intimate personal relationship),
 except where subclause (8) applies; and
  - wear a face covering where required to do so in accordance with any other Directions currently in force.

*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](http://www.dhhs.vic.gov.au/face-masks-vic-covid-19).*

- (8) Subclause (7)(b) and (c) do 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 one of two persons being married while in the process of being married; or
  - (k) the person is a professional sportsperson when training or competing; or
  - (l) the person is engaged in any strenuous physical exercise; or  
*Examples: jogging, running.*
  - (m) the person is travelling in a **vehicle** by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
  - (n) the person is riding a bicycle or motorcycle; or
  - (o) the person is consuming food, drink or medicine; or
  - (p) the person is smoking or vaping (including e-cigarettes) while stationary; or
  - (q) 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
  - (r) 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) (No. 2)**, 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**.*
  - (s) 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.*
  - (t) for emergency purposes; or
  - (u) required or authorised by law; or
  - (v) doing so is not safe in all the circumstances.

**PART 3 – WORK****6 Leaving premises to attend work**

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

*Examples: a tradesperson for the purpose of carrying out repairs; a person delivering personal services such as hairdressing in the home.*

- (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:
  - (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 14 other persons who are visiting for a social gathering; and
  - (iii) any infant under one year of age of a visiting person; and

- (iv) and provided that the premises does not have more than 15 visiting persons for a social gathering each day; or

*Note: under subclause (2)(h), up to 15 people may visit for a social gathering each day, with any infant under one year of age not counting towards this limit. The 15 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) (No. 2)**; 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. 17). Any regulation of access and visits to care facilities are contained in those directions.*

#### Public gatherings

- (3) 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 49 other persons (with any infant under one year of age not counting towards this limit) for a common purpose at public place, except:

*Note 1: under subclause (3), the limit on the number of people who may meet at any one time in a public place is 50.*

*Note 2: two or more groups of 50 people 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 (3) does not prevent a person attending a public place (for example, a shopping centre) for a purpose (for example, shopping), where other people are also likely to be attending that public place for a similar purpose. It prevents people from attending a public place intending to gather with other people for a common purpose (for example, meeting family or friends at the shopping centre).*

- (a) for the purpose of a religious gathering (including ceremonies) with no more than:
- (i) 149 other **members of the public** if held in an indoor space; or
- (ii) 299 other members of the public if held in an outdoor space, plus any faith leaders (and any others necessary to facilitate the ceremony), provided they comply with any requirements of the **Restricted Activity Directions (Victoria) (No. 2)**; or
- (b) for the purpose of attending a wedding in the State of Victoria that complies with the requirements in subclause (4); or
- (c) for the purpose of attending a funeral in the State of Victoria that complies with the requirements in subclause (5); or
- (d) it is necessary to arrange a meeting or organise or attend 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) (No. 2)**; or

- (ii) to attend or undertake work 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 and funerals*

- (4) The requirements for a wedding held in the State of Victoria are that:
- (a) it involves no more than 150 members of the public, including the two persons being married and the two persons witnessing the marriage for the purposes of section 44 of the **Marriage Act 1961** of the Commonwealth, with any infant under one year of age not counting towards this limit; 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 restrictions in subclauses (1) and (2)(a), (c), (g) and (h).

*Note: record-keeping requirements apply to weddings as set out in the **Workplace Directions (No. 10)**.*

- (5) The requirements for a funeral held in the State of Victoria are that:
- (a) it involves no more than 150 members of the public, with any infant under one year of age not counting towards this limit; 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 restrictions in subclauses (1) and (2)(a), (c), (g) and (h).

*Note: record-keeping requirements apply to funerals as set out in the **Workplace Directions (No. 10)**.*

## **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. 17)**, 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) **care facility** has the same meaning as in the **Care Facilities Directions (No. 17)**;
- (2) **density quotient** has the same meaning as in the **Workplace Directions (No. 10)**;
- (3) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (4) **Directions currently in force** means the **Restricted Activity Directions (Victoria) (No. 2)**, the **Stay Safe Directions (Victoria) (No. 2)**, the **Diagnosed Persons and Close Contacts Directions (No. 13)**, the **Hospital Visitor Directions (No. 15)**, the **Care Facilities Directions (No. 17)**, the **Workplace Directions (No. 10)**, the **Workplace (Additional Industry Obligations) Directions (No. 12)**, and the **Border Crossing Permit Scheme Directions**, each as amended or replaced from time to time;
- (5) **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);
- (6) **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;
- (7) **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;
- (8) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (9) **outdoor space** means a space that is not an **indoor space**;
- (10) **photographer** means a person who takes photographs as a business and has an Australia Business Number for this purpose;
- (11) **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;
- (12) **prison** has the same meaning as in the **Corrections Act 1986**;
- (13) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (14) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (15) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (16) **stay safe period** has the meaning in clause 4;
- (17) **vehicle** has the same meaning as in the PHW Act;
- (18) **visiting person** has the meaning in clause 7(2)(h);
- (19) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (20) **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 22 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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**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) (No. 2)**

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

**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 (Victoria)** restricting activities across the State of Victoria and provide for:
  - (a) the further easing of restrictions on the operation of businesses and undertakings in Victoria; and
  - (b) the Chief Health Officer or Deputy Chief Health Officer to exempt eligible public events from the Directions currently in force.

**2 Citation**

These directions may be referred to as the **Restricted Activity Directions (Victoria) (No. 2)**.

**3 Revocation**

The **Restricted Activity Directions (Victoria)** are revoked at 11:59:00 pm on 22 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 22 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**, chlorinated spa, sauna, steam room or **spring**; 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 physical recreation and indoor community sport*

(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 or indoor community sport (in accordance with clause 6) by **members of the public** if:

- (a) subject to paragraph (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) 150; and

*Note: the reference to the number of members of the public in paragraph (a) includes spectators.*

- (b) despite paragraph (a), where the maximum number of people permitted to be accommodated within the facility under the **occupancy permit** for the facility is 600 or more members of the public, the number of members of the public permitted in the facility is limited to 25 per cent of that maximum number; and  
*Example: under paragraph (b), more than 150 members of the public would be permitted inside a large multi-purpose sporting facility such as the Melbourne Sports and Aquatic Centre.*
- (c) the number of members of the public 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) 20; or
  - (iii) in the case of indoor community team sport, the minimum number of members of the public required to play the sport; and
- (d) any shared equipment is used, it must be **cleaned** between users; and
- (e) where the maximum capacity for the facility is 500 or more, a **COVIDSafe Plan** for the facility is published on the facility's Internet site; and
- (f) 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) (No. 2)**. 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, outdoor sport or physical recreation facility, personal training facility or cardio or strength training facility – outdoor physical recreation and outdoor community sport*

- (4) 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 and outdoor community sport (in accordance with clause 6) by members of the public if:
- (a) all outdoor physical recreation and outdoor 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 the lesser of:
    - (i) the number permitted by the density quotient; or
    - (ii) 500; and
  - (c) the number of members of the public permitted 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) 50; and
    - (iii) in the case of outdoor community team sport, the minimum number of members of the public required to play the sport; and
  - (d) 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 50 people, so long as a reasonable distance can be maintained at all times.*
- (e) any shared equipment is used, it must be cleaned between users.

*Play centre, indoor skatepark or indoor trampolining centre*

- (5) A person who owns, controls or operates a facility under subclause (2)(e) (play centre), (2)(f) (skatepark in an **indoor space**) or (2)(g) (trampolining centre in an indoor space) 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) 150; and
  - (b) the number of members of the public permitted in each indoor space at any time is limited to the number permitted by the density quotient.

## 6 Community sport

A person may only participate in a community sport in the State of Victoria if:

- (1) no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
- (2) no more than 20 members of the public participate for individual events conducted in an indoor space; and
- (3) no more than 50 members of the public participate for individual events conducted in an outdoor space.

*Example: running and cycling are individual events.*

*Note 1: a reference in this clause 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.*

## 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;
  - (h) a physical recreational facility;
  - (i) a swimming pool, hydrotherapy pool, chlorinated spa, sauna, steam room or spring.
- (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) (No. 2)**, 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) (No. 2)**; and
  - (c) the number of members of the public permitted in an outdoor community facility at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 300; and
  - (d) 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) 150; and
  - (e) 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) 20; and
  - (f) the number of members of the public permitted in each outdoor 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) 50.

- (4) 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 outside school hours care at any one time for educational purposes,
- is not required to comply with the limits in subclause (3)(c) to (f).

## 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**;
  - (p) a **karaoke facility**.

### *Non-seated outdoor space*

- (3) 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), (2)(g) (arcade), (2)(m) (bingo 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) the number of members of the public permitted in each group at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 50; and
  - (c) any indoor space in the facility operates in accordance with subclauses (5) and (6); 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; and
- (e) any **food and drink facility** operates in accordance with clause 12; and
- (f) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

*Seated outdoor space*

- (4) 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), (2)(g) (arcade), (2)(m) (bingo 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 per cent of the maximum fixed seating capacity; and
    - (ii) 500; and
  - (b) each member of the public is required to be seated at least 1.5 metres away from all members of the public who are not from the same group; and
  - (c) any indoor space in the facility operates in accordance with subclauses (5) and (6); 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; and
  - (e) any food and drink facility operates in accordance with clause 12; and
  - (f) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

*Example: an outdoor grandstand is a seated outdoor space.*

*Non-seated indoor space*

- (5) 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), (2)(g) (arcade), (2)(m) (bingo centre), (2)(n) (escape room) or (2)(o) (animal facility) in the State of Victoria may operate a non-seated indoor space in the facility if:
- (a) subject to paragraph (b), 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) 150; and
  - (b) despite paragraph (a), where the facility is a theatre, cinema (except for a drive-in cinema), music hall, concert hall or auditorium, gallery or a museum), State Library, arena, stadium or convention centre or animal facility and the maximum number of people permitted to be accommodated within the facility under the occupancy permit for the facility is 600 or more members of the public, the number of members of the public permitted in the facility is limited to 25 per cent of that maximum number; and

*Example: under paragraph (b), more than 150 members of the public would be permitted inside a large convention centre such as the Royal Exhibition Building.*

- (c) no more than 20 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
- (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) 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; and
- (f) any food and drink facility operates in accordance with clause 12; 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.

*Seated 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), (2)(f) (arena, stadium or convention centre), (2)(g) (arcade), (2)(m) (bingo centre), (2)(n) (escape room) or (2)(o) (animal facility) in the State of Victoria may operate a seated indoor space in the facility if:
- (a) subject to paragraph (b), 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) 150; and

*Example: the limit on the number of members of the public applies to each seated indoor space at a gallery or museum and each screening room at a cinema.*
  - (b) despite paragraph (a), where the facility is a theatre, cinema (except for a drive-in cinema), music hall, concert hall or auditorium, gallery or a museum, State Library, arena, stadium or convention centre or animal facility and the maximum fixed seating capacity for the facility is 600 or more members of the public, the number of members of the public permitted in the facility is limited to 25 per cent of the maximum fixed seating capacity; and
  - (c) no more than 20 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
  - (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) 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; and
  - (f) any food and drink facility operates in accordance with clause 12; 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.

*Drive-in cinema*

- (7) 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) members of the public are not permitted to be seated outside of their vehicles; and
  - (c) the total number of members of the public permitted in any indoor space or outdoor space is limited to the number permitted by the density quotient; and
- Note: members of the public are permitted to leave a vehicle to access toilet facilities or a food and drink facility.*

- (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; and
- (e) any food and drink facility operates in accordance with clause 12; and
- (f) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

*Amusement park*

- (8) A person who owns, controls or operates a facility in subclause (2)(h) (amusement park) in the State of Victoria may operate the facility if:
  - (a) where the facility operates from a permanent location, the number of members of the public permitted in the facility at any time is limited to 25 per cent of the number permitted by the density quotient; and
  - (b) where the facility operates from a temporary location, 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) 300; and
  - (c) no more than 50 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
  - (d) 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) 150; and
  - (e) the number of members of the public permitted in each group in each indoor space at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 20; or
  - (f) 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; and
  - (g) any food and drink facility operates in accordance with clause 12; and
  - (h) 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
  - (i) all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility, are made.

*Casino*

- (9) A person who owns, controls or operates a facility in subclause (2)(i) (casino) in the State of Victoria may operate the facility if:
  - (a) the number of members of the public permitted in the facility is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 1000; and
  - (b) the number of members of the public permitted in each group is limited to 20; and
  - (c) 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) 150; and



- (ii) members of the public are permitted to operate a **gaming machine**, electronic table games and table games only; and  
*Examples: poker machines are gaming machines, electronic table games include automated, electronic or animated versions of gambling games such as blackjack or roulette and table games include 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) members of the public remain seated except when moving between gaming machines, electronic table games and table games, using toilets or entering and leaving the facility; 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) a COVIDSafe Plan for the facility is published on the facility's Internet site; and
  - (f) the facility has a COVID Marshal onsite during the operating hours of the facility.

#### *Retail betting venue*

- (10) 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.
- (11) 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 area*

- (12) 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 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) 150; 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.*
  - (b) the number of members of the public permitted in each group is limited to 20; and
  - (c) in each indoor gaming machine area:
    - (i) members of the public are permitted to operate a gaming machine only; and*Example: 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 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 gaming machine area.

*Brothel, sex on premises venue or sexually explicit entertainment venue*

- (13) A person who owns, operates or controls a brothel or sex on premises venue may operate that facility if:

- (a) the total number of members of the public permitted in the facility at any one time is limited to the lesser of:
  - (i) the number permitted by the density quotient; and
  - (ii) 50; and

*Note 1: the person must also comply with the conditions of any licence held for the purposes of operating a brothel or sex on premises venue, liquor licence or planning permit.*

*Note 2: members of the public in any public or private area of a brothel or sex on premises venue are included in this limit.*

- (b) all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility, are made.

- (14) A person who owns, operates or controls a sexually explicit entertainment venue 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; or
  - (ii) 150; and
- (b) no more than 20 members of the public are permitted in the facility per group booking; and
- (c) 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
- (d) members of the public at the facility are served on a seated service basis, and otherwise in accordance with the requirements of clause 12 (**food and drink facilities**) and this clause; and
- (e) all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility, are made.

*Animal facility – treatment, rescue operations*

- (15) Nothing in subclauses (3) to (6) prevents or otherwise affects the operation of a facility in subclause (2)(o) (animal facility) in the State of Victoria to the extent that the facility operates for the purpose of:

- (a) treating or caring for animals; or
- (b) performing an animal rescue function; or
- (c) maintaining the facility.

*Karaoke facility*

- (16) A person who owns, controls or operates a facility in subclause (2)(p) (karaoke facility) in the State of Victoria may operate the 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) 150; and
  - (b) the number of members of the public permitted in each indoor space or outdoor space at any time is limited to the number permitted by the density quotient; and
  - (c) no more than 20 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
  - (d) any food and drink facility operates in accordance with clause 12; and
  - (e) 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
  - (f) all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility, are made.

**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.

*Outdoor religious gatherings or ceremonies*

- (2) A person who owns, controls or operates a place of worship in the State of Victoria may operate the place of worship if:
- (a) the number of members of the public permitted to attend the religious gathering or ceremony in the outdoor space at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 300; and
  - (b) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by participants; and
  - (c) the religious gathering or ceremony is held in an outdoor space suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; 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 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 at the same time.

*Indoor religious gatherings or ceremonies*

- (3) A person who owns, controls or operates a place of worship in the State of Victoria may operate the place of worship 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) 150; and

- (b) the number of members of the public permitted in each indoor space is limited to the number permitted by the density quotient; and
- (c) the space available in each indoor space is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
- (d) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by participants; and
- (e) no wedding or funeral is held indoors or outdoors at or proximate to the place of worship at the same time; and
- (f) no religious gathering or ceremony is to be held outdoors 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 client wears a face covering for the duration of the service or procedure, other than:
  - (a) when services or procedures that are unable to be provided if the client is wearing a face covering are provided; or
  - (b) 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) (No. 2)**.

*Note: all clients are required to wear a face covering other than whilst receiving services such as facials, face waxing, beard trimming and piercings around the mouth, nose or cheeks or where an exemption applies, in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria) (No. 2)**. All persons should ensure that duration of the 'personal services or procedures' exemption is as limited as possible.*

*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.*

## 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(10); or
  - (c) operating a gaming machine area in accordance with clause 8(12); or
  - (d) operating a karaoke facility in accordance with clause 8(16); or
  - (e) providing food or drink in accordance with clause 12; or
  - (f) providing accommodation in accordance with clause 13.

**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  

*Note: the density quotient in the **Workplace Directions (No. 10)** permits one person per 2 square metres of area of an outdoor space at a food court.*
    - (ii) 500; 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 permitted by the density quotient; and  

*Note: the density quotient in the **Workplace Directions (No. 10)** permits one person per 8 square metres of area of an indoor space at a food court.*
    - (ii) 50 per cent of the maximum fixed seating capacity of the indoor space; and
  - (c) 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 10.

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

#### *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) the number of members of the public permitted in a food and drink facility (including in all indoor spaces and outdoor spaces) at any time is limited to the lesser of:

- (i) the number permitted by the density quotient; and
- (ii) 300; and

- (c) where the total of all indoor spaces at the facility is 200 square metres or more of indoor space accessible to members of the public, 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) 150; 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) where the total of all indoor spaces at the facility is less than 200 square metres of indoor space accessible to members of the public and the facility complies with the **records requirement**:

- (i) by requiring members of the public to access or use a QR Code, 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:

- (A) the number calculated by dividing the total of square metres of indoor space accessible to members of the public by 2; and
- (B) 50; or

- (ii) otherwise, 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:

- (A) the number permitted by the density quotient; and
- (B) 50.

*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.*

- (e) 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) 300; 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 300 members of the public will apply, subject to the density quotient.*

*Note 3: the density quotient in the **Workplace Directions (No. 10)** 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) (No. 2)**).*

- (f) 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. 15)** 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 complies with the private gathering limits of the **Stay Safe Directions (Victoria) (No. 2)**; and
  - (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; and
  - (d) any arrangement by members of the public to visit a person or group staying at an accommodation facility complies with the private gathering limits of the **Stay Safe Directions (Victoria) (No. 2)**; and
  - (e) the number of members of the public permitted in a communal or shared space (whether indoor or outdoor) is limited to the number permitted by the density quotient (with infants under one year of age not counting towards this limit).

*Accommodation facilities – other*

- (4) 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, chlorinated spas, saunas, steam rooms, and springs**

- (1) A person who owns, controls or operates a swimming pool, hydrotherapy pool, chlorinated spa, sauna, steam room or spring in the State of Victoria may only operate the swimming pool, hydrotherapy pool, chlorinated spa, spring 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, chlorinated spa, sauna, steam room or spring in the State of Victoria 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, chlorinated spa, sauna, steam room or spring 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, chlorinated spa, sauna, steam room, or spring under subclause (3)(c) must use all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

*Swimming pools, hydrotherapy pools, chlorinated spas, saunas, steam rooms and springs*

- (5) A person who owns, controls or operates a swimming pool, hydrotherapy pool, chlorinated spa, sauna, steam room or spring in the State of Victoria may operate the facility to permit members of the public to use the swimming pool, hydrotherapy pool, chlorinated spa, sauna, steam room or spring and facilities if:
- (a) except where the swimming pool, hydrotherapy pool, chlorinated spa, sauna, steam room or spring is operated in accordance with subclause (6), the number of members of the public permitted at any one time:
    - (i) in all outdoor spaces (including any water or non-water parts) of the facility is limited to the lesser of:
      - (A) the number permitted by the density quotient; and
      - (B) 300; and
    - (ii) in all indoor spaces (including any water or non-water parts) of the facility is limited to the lesser of:
      - (A) the number permitted by the density quotient; and
      - (B) 150; and
- Note: persons in and around swimming pools are still required to take reasonable steps to maintain a distance of 1.5 metres from all other persons.*
- (b) 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, chlorinated spa, sauna, steam room or spring under subclause (5) is not required to comply with the limits in subclause (5)(a) if the swimming pool, hydrotherapy pool, chlorinated spa, sauna, steam room, spring 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.

### 15 Real estate inspections and auctions

- (1) An **estate agent** in the State of Victoria may only organise inspections and auctions for the sale or rental of **real estate** in the State of Victoria during the restricted activity period in accordance with these directions.
- (2) An estate agent may organise inspections and auctions for the sale or rental of real estate in the State of Victoria if:
  - (a) subject to subclause (3), any inspection by members of the public for the purpose of the prospective sale or rental of real estate is arranged by prior appointment and the number of members of the public permitted to attend the appointment is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 20; and
  - (b) subject to subclause (3), the number of members of the public in an indoor space at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 20; and
  - (c) an auction is wholly conducted in an outdoor space; and
  - (d) subject to subclause (3), the number of members of the public permitted to attend an auction in an outdoor space in person is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 50.
- (3) Each of the following persons do not count towards the limits in subclause (2)(a), (b) and (d):
  - (a) the owners or residents of the property; and
  - (b) the minimum number of persons required to conduct the inspection or auction; and
  - (c) any infant under one year of age.

### 16 Tourism services

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

#### *Enclosed vehicles*

- (2) A tourism operator who organises and operates 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 tourism services to members of the public if the number of members of the public permitted in the vehicle at any time is limited to 20 (with any infant under one year of age not counting in this limit).

#### *Open vehicles*

- (3) A tourism operator who organises and operates tourism services in the State of Victoria may operate or permit members of the public to operate an open-air vehicle for the purpose of providing tourism services to members of the public if:
  - (a) the vehicle either has no roof, or has a roof and at least 2 sides of the vehicle are open to airflow at all times; and

- (b) the number of members of the public permitted in the vehicle at any time is limited to 50 (with any infant under one year of age not counting in this limit).

*Tourism services – outdoor spaces*

- (4) A tourism operator who organises and operates tourism services in the State of Victoria may operate and provide licensed tourism services to members of the public in an outdoor space if:
  - (a) the number of members of the public permitted in each tour group is limited to 50 (with any infant under one year of age not counting in this limit); and
  - (b) the tourism services are not provided by more than the minimum number of persons required; and

*Note: the minimum number of persons required to provide the tourism services is in addition to the limits in paragraph (b).*

  - (c) no more than one tour group attends the same outdoor space at any one time, except where a reasonable distance between tour groups can be maintained at all times; 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; and
  - (f) if any communal equipment is to be used, it must be cleaned between tour groups and not shared between members of the public in a tour group.

*Tourism services – indoor spaces*

- (5) A tourism operator who organises and operates tourism services in the State of Victoria may operate and provide tourism services to members of the public in an indoor space if:
  - (a) subject to paragraph (c), the number of members of the public permitted in each tour group is limited to 20 (with any infant under one year of age not counting in this limit); and
  - (b) the tourism services are not provided by more than the minimum number of persons required; and

*Note: the minimum number of persons required to provide the tourism services is in addition to the limits in paragraph (a).*

  - (c) the tourism services are conducted in accordance with:
    - (i) these directions as they apply to the facility where the tourism services are being conducted; and

*Example: a tourism service conducted in a gallery will need to comply with the requirements in clause 8.*

    - (ii) the **Stay Safe Directions (Victoria) (No. 2)**; and
  - (d) no more than one tour group attends the same indoor space at any one time, except where a reasonable distance between tour groups can be maintained at all times; and
  - (e) the indoor 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 tour groups and not shared between members of the public in a tour group.

*Note: all persons being provided with tourism services at an indoor space 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) (No. 2)**. All persons should ensure that the duration of any exemption is as limited as possible.*

**17 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**;
  - (f) a community facility;
  - (g) a place of worship.

*Indoor creative arts facility – total indoor spaces of less than 80 square metres*

- (3) A person who owns, controls or operates a creative arts facility in the State of Victoria where the total of all indoor spaces at the facility is less than 80 square metres of indoor space accessible to members of the public, may operate that facility for use by members of public 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 calculated by dividing the total publicly accessible area of the indoor space (measured in square metres) by 2; 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 2; and
    - (ii) 20; 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) any shared equipment that is used is cleaned between each user; 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.

*Note: all persons at an indoor 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) (No. 2)**. All persons should ensure that the duration of any exemption is as limited as possible.*

*Indoor creative arts facility – total indoor spaces of 80 square metres or more*

- (4) A person who owns, controls or operates a creative arts facility in the State of Victoria, where the total of all indoor spaces at the facility is 80 square metres or more of indoor space accessible to members of the public may operate that facility for use by members of public 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) 150; 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 permitted by the density quotient; and
  - (ii) 20; 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) any shared equipment that is used is cleaned between each user; 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.

*Note: all persons at an indoor 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) (No. 2)**. All persons should ensure that the duration of any exemption is as limited as possible.*

#### *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 the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 150; and
  - (c) the number of members of the public permitted in each group, class or session at any time is limited to 50 (with any infant under one year of age not counting in this limit); or
  - (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) the outdoor space is suitable to ensure a reasonable distance can be maintained between each group, class or session at all times; and
  - (f) if any shared equipment is to be used, it must be cleaned between each use.

## 18 Public Events

- (1) For the purpose of this clause:
    - (a) **eligible public event** means an organised public gathering for a common purpose on a for profit or not-for-profit basis which is:
      - (i) an event:
        - (A) conducted on a one-off or periodic basis; and
        - (B) open to members of the public; and
        - (C) that may be subject to specific licences, approvals or permits; and

*Note: the person must continue to apply for and comply with all required licences, approvals and permits.*

      - (D) publicly announced or advertised; or
    - (ii) an event deemed by the Victorian Government to be a State-critical public event,
 

*Examples: an exhibition, sport event, festival, fair, parade, performance or trade show.*
- but does not mean:
- (iii) an ad hoc public gathering in a public place;

- (iv) a private or public gathering of members of the public in a facility, venue, indoor space or outdoor space for routine operations, use, activities or services of the facility, venue or space;

*Note: most of the routine, ordinary, day-to day operations of a facility or venue (including any indoor space or outdoor space) are expected to remain subject to the requirements in these directions, including clause 12 (food and drink facilities).*

- (v) a private gathering;
- (vi) a wedding, funeral or end of life activity;
- (vii) a routine religious gathering or ceremony,

to which these directions and the **Stay Safe Directions (Victoria) (No. 2)** otherwise continue to apply.

- (b) **exempt public event** means an eligible public event which, subject to the process described in the **Public Event Framework**, the Chief Health Officer or Deputy Chief Health Officer has exempted from a requirement in the Directions currently in force in accordance with subclause (3); and
  - (c) **Public Event Framework** means the Public Event Framework available at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events), as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer.
- (2) A person who arranges to meet, or organises or intentionally attends a public gathering for a common purpose in a public place is not required to comply with the requirements of the Directions currently in force in respect of such a public gathering:
- (a) if the public gathering is an **exempt public event**; and
  - (b) to the extent of an exemption granted under subclause (3) (including any conditions on an exemption).
- (3) The Chief Health Officer or Deputy Chief Health Officer may exempt an **eligible public event** (or class of eligible public events) from any requirement of the Directions currently in force if satisfied that the exemption is appropriate, having regard to:
- (a) the need to protect public health; and
  - (b) the principles in sections 5 to 10 of the PHW Act, as appropriate.
- (4) An exemption under subclause (3):
- (a) must be given in writing; and
  - (b) must be published at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events); and
  - (c) must specify each requirement in the Directions currently in force to which, subject to paragraph (d), an exemption is granted; and
  - (d) may impose conditions on an exemption.
- (5) An exemption under subclause (3) does not prevent:
- (a) the Chief Health Officer or Deputy Chief Health Officer exercising any power the Chief Health Officer or Deputy Chief Health Officer is authorised to exercise under the PHW Act; or
  - (b) an authorised officer from exercising any power the authorised officer is authorised to exercise under the PHW Act, including ensuring compliance with:
    - (i) the extent of an exemption granted under subclause (3) (including any conditions on an exemption); or
    - (ii) the requirements of all other Directions currently in force.

**19 Relationship with other directions**

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

**20 Other definitions**

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 13(2);
- (2) **animal facility** means the following:
  - (a) a **zoological park**;
  - (b) a wildlife centre;
  - (c) a petting zoo;
  - (d) an aquarium;
  - (e) an animal farm that is not being operated for the purpose of producing food;
- (3) **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;
- (4) **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**;
- (5) **bottleshop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the premises;
- (6) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (7) **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);
- (8) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (9) **childcare facility** means a facility providing a **childcare or early childhood service**;
- (10) **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;
- (11) **cleaned** has the same meaning as in the **Workplace Directions (No. 10)**;
- (12) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (13) **community facility** has the meaning in clause 7(2);
- (14) **COVID Marshal** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions (No. 13)**;

- (15) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions (No. 10)**;
- (16) **creative arts facility** has the meaning in clause 17(2);
- (17) **density quotient** has the same meaning as in the **Workplace Directions (No. 10)**;
- (18) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (19) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Victoria) (No. 2)**;
- (20) **entertainment facility** has the meaning in clause 8(2);
- (21) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (22) **face covering** has the same meaning as in the **Workplace Directions (No. 10)**;
- (23) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (24) **food and drink facility** has the meaning in clause 12(2);
- (25) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (26) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**;
- (27) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (28) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (29) **hairdressing** has the same meaning as in the PHW Act;
- (30) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the PHW Act;
- (31) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 15)**;
- (32) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (33) **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;
- (34) **karaoke facility** means a facility used predominately for karaoke by members of the public;
- Example: a facility with private rooms for use by members of the public for karaoke is a karaoke facility. A bar with one open karaoke stage is not a karaoke facility.*
- (35) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (36) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (37) **licensed premises** has the meaning in clause 11(2);
- (38) **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;
- (39) **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.*



- (40) **occupancy permit** means an occupancy permit issued in accordance with the **Building Act 1993**;
- (41) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (42) **outdoor space** means a space that is not an **indoor space**;
- (43) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (44) **physical recreational facility** has the meaning in clause 5(2);
- (45) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (46) **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**;
- (47) **playground** means publicly accessible outdoor play equipment in a public park;
- (48) **premises** has the same meaning as in the PHW Act;
- (49) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (50) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (51) **records requirement** has the same meaning as in the **Workplace Directions (No. 10)**;
- (52) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No. 17)**;
- (53) **restricted activity period** has the meaning in clause 4;
- (54) **restricted retail facility** has the meaning in clause 10(2);
- (55) **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;
- (56) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (57) **seated outdoor space** means an **outdoor space** with fixed seating;
- (58) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (59) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (60) **sexually explicit entertainment venue** means a venue at which **sexually explicit entertainment** is provided;
- (61) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (62) **State Library** means the State Library Victoria;
- (63) **tourism operator** means a person:
  - (a) granted a tour operator licence under:
    - (i) section 21B of the **Crown Land (Reserves) Act 1978**; or
    - (iii) section 57F of the **Forests Act 1958**; or
    - (iv) section 140I of the **Land Act 1958**; or
    - (v) section 27D of the **National Parks Act 1975**; or
    - (vi) section 21B of the **Wildlife Act 1975**;
  - (b) providing a tour of an **entertainment facility**;

- (64) **tourism services** means an activity, guided tour or recreation programme conducted or coordinated by an employee or officer of a **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, or a guided tour of a museum or gallery;
- (65) **vehicle** has the same meaning as in the PHW Act;
- (66) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (67) **Work Premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (68) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

## 21 Penalties

Section 203 of the PHW Act provides:

### Compliance with direction or other requirement

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

Dated 22 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. 13)**

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

**1 Preamble**

- (1) The 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. 10)** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace (Additional Industry Obligations) Directions (No. 12)** and:
  - (a) removes certain industries from having additional obligations under these directions;
  - (b) removes certain requirements on remaining Additional Obligation Industries such as having a High Risk COVIDSafe Plan, cleaning logs, PPE training plan; and
  - (c) adds **commercial passenger vehicle services** and **commercial cleaning services, ports of entry** and **hotel quarantine** to the list of Additional Obligation Industries, and sets out specific obligations for some of these industries;
  - (d) removes the requirements on abattoirs, meat processing facilities, poultry processing facilities and seafood processing facilities to test the temperature of each worker each day and to ensure that all workers wear the appropriate level of personal protective equipment;
  - (e) removes the requirement for employers to arrange operations at supermarket distribution facilities and perishable food Work Premises so as to have workers working consistently with the same group of other workers where reasonably practicable;
  - (f) removes the requirements for employers to supply face coverings to seasonal workers and ensure that all seasonal workers at the seasonal Work Premises wear a face covering at all times;
  - (g) adds a requirement to reduce work across multiple care facilities;
  - (h) removes the requirement on some industries for employers to require workers to make declarations at the start of each shift; and
  - (i) removes the requirement on supermarket Work Premises; perishable food Work Premises and warehousing and distribution centres for employers to ensure that all workers wear a surgical face mask.

## 2 Citation

These directions may be referred to as the **Workplace (Additional Industry Obligations) Directions (No. 13)**.

## 3 Revocation

The **Workplace (Additional Industry Obligations) Directions (No. 12)** are revoked at 11:59:00 pm on 22 November 2020.

## 4 Commencement

These directions commence at 11:59:00 pm on 22 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) **commercial cleaning services**; and
- (g) **commercial passenger vehicle services**; and
- (h) horticulture operations using **seasonal workers** for **seasonal horticultural work**; and
- (i) **care facilities**;
- (j) **ports of entry and hotel quarantine**.

*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, 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 General Obligations

(1) This clause 6 does not apply to care facilities, except for subclauses (2) and (3).

*Note: the exception of care facilities from the requirements in clause 6 (other than in subclauses (2) and (3)) does not exempt care facilities from satisfying equivalent requirements imposed under other regulatory arrangements.*

### *Record-keeping obligations*

(2) An employer must keep records to demonstrate compliance with these directions, including (but not limited to):

- (a) all logs created during the time these directions are in place;
- (b) Work Premises rosters;
- (c) time and attendance records;
- (d) payroll data;
- (e) records of all workers and all visitors (except in relation to customers using a **commercial passenger vehicle service**) who attend the Work Premises in accordance with the **records requirement**.

- (3) In collecting the information outlined in subclause (2), an employer must:
- (a) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer; and
  - (b) destroy the information as soon as **reasonably practicable**, unless another statutory requirement permits or requires the personal information to be retained.

#### *Compliance*

- (4) 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*

- (5) An employer in relation to an Additional Obligation Industry Work Premises 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 (5)(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 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 6(1) 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 perishable food Work Premises that are chilled distribution facilities*

- (2) 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) 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; and
  - (iii) who is at the Work Premises whenever workers are on Site; and
- (b) arrange operations at the Work Premises (except in relation to a supermarket Work Premises and perishable food 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) where workers are from the same household, ensuring they work in the same shift and work area; and
- (c) 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 (2)(b); and
- (d) carry out comprehensive cleaning of the Work Premises each evening; and
- (e) keep records of duty rosters for COVID Marshals.

*Horticulture Work Premises using seasonal workers for seasonal horticultural work*

- (3) An employer may only operate a **seasonal Work Premises** using seasonal workers for seasonal horticultural work if it complies with subclauses (4) to (7) (inclusive).
- (4) 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.*

- (5) 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.
- (6) 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 (4).
- (7) 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.

*Care facilities*

- (8) Subject to subclause (9), an employer in relation to a Work Premises that is a care facility in Victoria must not require or permit a **care facility worker** to perform work at more than one Work Premises of the employer.
- (9) Subclause (8) does not apply where it is not practicable to limit a care facility worker to only one Work Premises.
- (10) Where subclause (9) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of care facility workers working across multiple Work Premises.

*Example: rosters.*

- (11) If a care facility worker is working at more than one Work Premises for two or more different employers:
- (a) the care facility 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 care facility workers who have disclosed to the employer under subclause (11)(a) that they are working across more than one Work Premises.
- (12) 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)**.
- (13) 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; 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.
- (14) Despite clause 5(1)(b) of the **Care Facilities Directions (No. 17)**, 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; and
    - (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 (14) 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.*

- (15) 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.
- (16) The Chief Health Officer may grant an exemption in writing to the requirements of subclause (14).

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

#### *Commercial cleaning services*

- (17) In relation to a Work Premises that is a commercial cleaning service, an employer must:
  - (a) carry out surveillance testing for SARS-CoV-2 on its employees and contractors in relation to the commercial cleaning service in accordance with the requirements of the Department; and
  - (b) keep records of surveillance testing of employees and contractors for SARS-CoV-2.

#### *Ports of entry*

- (18) In relation to a Work Premises that is a port of entry Work Premises, an employer must:
  - (a) require workers to declare in writing at the start of each shift that the worker:
    - (i) is free of SARS-CoV-2 Symptoms; and
    - (ii) 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, where relevant); and
    - (iii) is not currently required to self-isolate or self-quarantine under the **Diagnosed Persons and Close Contacts Directions (No. 13)**.
  - (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; and
- (iii) who is at the Work Premises whenever workers are on Site; and
- (c) carry out surveillance testing for SARS-CoV-2 on its workers in relation to the port of entry in accordance with the requirements of the Department; and
- (d) keep records of surveillance testing of workers for SARS-CoV-2; and
- (e) make available an adequate supply of PPE free of charge to workers; and
- (f) ensure that all workers wear appropriate PPE in accordance with the requirements of the Department; and
- (g) test the temperature of each worker each day before they enter the Work Premises and, if the worker's temperature is 37.5°C or more, direct the worker to:
  - (i) leave the Work Premises immediately; and
  - (ii) be tested for SARS-CoV-2; and
  - (iii) self-isolate until a negative test result is received.

#### *Hotel quarantine*

- (19) In relation to a Work Premises that is a hotel quarantine Work Premises, an employer must:
- (a) require workers to declare in writing at the start of each shift that the worker:
    - (i) is free of SARS-CoV-2 Symptoms; and
    - (ii) 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, where relevant); and
    - (iii) is not currently required to self-isolate or self-quarantine under the **Diagnosed Persons and Close Contacts Directions (No. 13)**.
  - (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
    - (iii) who is at the Work Premises whenever workers are on Site; and
  - (c) carry out surveillance testing for SARS-CoV-2 on its workers in relation to the hotel quarantine Work Premises in accordance with the requirements of the Department; and
  - (d) keep records of surveillance testing of workers for SARS-CoV-2; and
  - (e) make available an adequate supply of PPE free of charge to workers; and
  - (f) ensure that all workers wear appropriate PPE in accordance with the requirements of the Department; and
  - (g) test the temperature of each worker each day before they enter the Work Premises and, if the worker's temperature is 37.5°C or more, direct the worker to:
    - (i) leave the Work Premises immediately; and
    - (ii) be tested for SARS-CoV-2; and
    - (iii) self-isolate until a negative test result is received; and

- (h) 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.

## 8 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. 10)**, the **Workplace Directions (No. 10)** are inoperative to the extent of the inconsistency.

## 9 Other definitions

For the purposes of these directions:

- (1) **abattoir** has the meaning under the PrimeSafe licence categories “abattoirs (domestic)” and “abattoirs (exports)”;
- (2) **Additional Obligation Industries** has the meaning in clause 5(1);
- (3) **airport** means a facility that receives scheduled international passenger air transport services and / or passenger charter air services from international markets;
- (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. 17)**;
- (6) **care facility worker** has the same meaning as “worker” in clause 6(1) of the **Care Facilities Directions (No. 17)**;
- (7) **cleaned** has the same meaning as in the **Workplace Directions (No. 10)**;
- (8) **commercial cleaning services** means a business that provides cleaning and sanitisation services to commercial premises;
- (9) **commercial passenger vehicle services** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;
- (10) **confirmed case** means a worker diagnosed with SARS-CoV-2;
- (11) **COVID Marshal** has the meaning in clause 7(2)(a);
- (12) **Department** means the Department of Health and Human Services;
- (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) (No. 2)**;
- (15) **employee** includes a person who is self-employed;
- (16) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (17) **face covering** has the same meaning as in the **Workplace Directions (No. 10)**;
- (18) **hotel quarantine** mean a place (being a hotel or other facility or class of facility), designated by the Attorney-General and published in the Government Gazette, where people are detained in or directed to remain in, or are staying in, quarantine, isolation or emergency accommodation at, for the purpose of eliminating or reducing the serious risk to public health posed by the COVID-19 pandemic;
- (19) **inspector** has the same meaning as in the **OHS Act**;

- (20) **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);
- (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** means a Work Premises that is predominantly a perishable food facility that is a chilled distribution facility.
- (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) **port** means the port of Melbourne, the port of Geelong, the port of Portland, the port of Hastings and any other port declared under section 6 of the **Port Management Act 1995 (Vic)** in relation to which port lands or port waters or both port lands and port waters have been declared under section 5 of the **Port Management Act 1995 (Vic)**;
- (29) **port of entry** means a **port** or **airport**;
- (30) **poultry processing facility** has the meaning under the PrimeSafe licence category “poultry meat processing facilities”;
- (31) **premises** has the same meaning as in the **PHW Act**;
- (32) **reasonably practicable** is to have its ordinary and common sense meaning;
- (33) **records requirement** has the same meaning as in the **Workplace Directions (No. 10)**;
- (34) **SARS-CoV-2 Symptoms** has the same meaning as in the **Workplace Directions (No. 10)**;
- (35) **seafood processing facility** has the meaning under the PrimeSafe licence category “seafood processing facilities”;
- (36) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 13)**;
- (37) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 13)**;
- (38) **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;

- (39) **seasonal Work Premises** means a farm or workplace where **seasonal horticultural work** is undertaken;
- (40) **seasonal worker** means a worker temporarily employed or engaged to perform **seasonal horticultural work** at **seasonal Work Premises**;
- (41) **seasonal worker accommodation** means any on-farm or off-farm accommodation provided for **seasonal workers** on a temporary basis by the employer or labour hire provider where the number of seasonal workers is greater than two and the accommodation is not the seasonal worker's usual place of residence;
- (42) **seasonal worker transport** means any transport provided by the employer or labour hire provider used for transporting **seasonal workers**;
- (43) **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;
- (44) **supermarket Work Premises** means the total of all supermarket distribution facilities;
- (45) **vehicle** has the same meaning as in the **PHW Act**;
- (46) **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.*
- (47) **worker** includes **employees**, labour hire, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work.

## 10 Penalties

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

### **False or misleading information**

- (1) A person must not –
- give information that is false or misleading in a material particular; or
  - make a statement that is false or misleading in a material particular; or
  - 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 22 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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**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. 10)

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

**1 Preamble**

- (1) The presence of a person with a positive diagnosis of Novel Coronavirus 2019 (**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. 9)** and:
  - (a) clarify what are shared and publicly accessible areas for care facilities;
  - (b) remove the requirement to reduce work across multiple sites; and
  - (c) clarify the requirement to work from home; and
  - (d) add a requirement that workers not attend a Work Premises if they are waiting for test results.

**2 Citation**

These directions may be referred to as the **Workplace Directions (No. 10)**.

**3 Revocation**

The **Workplace Directions (No. 9)** are revoked at 11:59:00 pm on 22 November 2020.

**4 Commencement**

These directions commence at 11:59:00 pm on 22 November 2020 and end at 11:59:00 pm on 6 December 2020.

**5 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) (No. 2)** 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. 13)** 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 6 to 8.
- (4) 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 (excluding where a worker is awaiting results of a test taken in accordance with a surveillance testing obligation under the **Workplace (Additional Industry Obligations) Directions (No. 13)**).

## 6 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, when working at a Work Premises:
- (a) carries a **face covering** at all times, except where subclause (2)(a) applies; and
  - (b) wears a face covering:
    - (i) while in an **indoor space** at the Work Premises at all times except where subclause (2) applies;
    - (ii) while in an **outdoor space** at all times when they cannot maintain a distance of 1.5 metres from all other persons; and
    - (iii) where required to do so in accordance with any other Directions currently in force.

*Note: face shields on their own do not meet the face covering requirements. Please refer to the **Department's** 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 a professional sportsperson when training or competing; or
  - (g) 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
  - (h) the worker is consuming food, drink or medicine; or
  - (i) 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.*
  - (j) for emergency purposes; or
  - (k) required or authorised by law; or
  - (l) 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 Work 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](http://www.business.vic.gov.au/disputes-disasters-and-succession-planning/covid-safe-business/creating-a-covid-safe-workplace#yourcovidsafeplan).*

- (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
- (a) the date and time at which the person attended the Work Premises; and
- (b) 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 records 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 members of the public using a **commercial passenger vehicle service**;
  - (c) 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) (No. 2)** apply in relation to the school, non-school senior secondary providers, or childcare or early childhood service having exclusive use of that facility.*

*Note 3: In relation to a **care facility**, shared spaces and publicly accessible spaces include entrance areas, waiting rooms and communal areas where visitors may enter but does not include patient or resident rooms or accessible lounges not accessible by visitors.*

- (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 6(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) (No. 2)** 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:
- 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
  - 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:
- frequently touched surfaces, including toilets and handrails, are cleaned at least twice on any given day; and
  - surfaces are cleaned when visibly soiled; and
  - 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
  - surfaces accessible to a particular group are cleaned between groups; and
- Example: cleaning surfaces between shifts of workers.*
- 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:
- the label of which states a claim by the manufacturer that the disinfectant has anti-viral properties; or
  - 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.

## **7 Responding to a suspected case of SARS-CoV-2 in a Work Premises**

- 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**.
- 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](http://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 6(7) in order to support contact tracing if the suspected case becomes a confirmed case, particularly from the period commencing 48 hours prior to the onset of symptoms in the suspected case; and
 

*Note: this will include, for example, rosters and worker details, and details of all visitors to the Work Premises, to ascertain which persons were present at the Work Premises and who they may have come into contact with.*
  - (e) inform all workers (including the **health and safety representative**) to be vigilant about the onset of symptoms of 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.*

## 8 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 7(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](http://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 6(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**.*

## 9 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) **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. 17)**;
- (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 (f applicable) school holiday care programs;
- (4) **cleaned** has the meaning in clause 6(16);
- (5) **cleaning requirement** has the meaning in clause 6(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 meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;
- (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) (No. 2)**;
- (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) (No. 2)**;
- (19) **food court** has the same meaning as in the **Restricted Activity Directions (Victoria) (No. 2)**;
- (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) (No. 2)**;
- (22) **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;
- (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) (No. 2)**;
- (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 6(7) to (10) (both inclusive);
- (36) **Relevant Period** has the meaning given in clause 8(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) **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  $37.5^{\circ}\text{C}$  (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;
- (40) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (41) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 13)**;
- (42) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 13)**;
- (43) **Service Victoria** has the same meaning as in the **Service Victoria Act 2018**;
- (44) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (45) **signage requirement** has the meaning in clause 6(13) and (14);
- (46) **suspected case** means a person who is displaying one or more **SARS-CoV-2 Symptoms**;
- (47) **vehicle** has the same meaning as in the **PHW Act**;
- (48) **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.*
- (49) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work;
- (50) **WorkSafe** means WorkSafe Victoria.

## 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 22 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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**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. 15)

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

**1 Preamble**

- (1) The purpose of these directions is to prohibit certain 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. 14)**, and remove the limitations on the purpose, number and time limits for visitors to **patients** of hospitals.

**2 Citation**

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

**3 Revocation**

The **Hospital Visitor Directions (No. 14)** are revoked at 11:59:00 pm on 22 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 22 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; or
  - (d) the person is present in an area of the hospital in respect of which an exemption under clause 6 is in force.

*Excluded persons*

- (2) Despite subclause (1), a worker or a visitor to a patient, 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 22 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) the **parent, carer or guardian** of the patient, or has temporary care of the patient, and the purpose of the visit is to breastfeed the patient;
    - (ii) a person whose presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
    - (iii) an immediate family member of a patient whose medical condition is life threatening; 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) the parent, carer or guardian of the patient, or has temporary care of the patient; or
    - (ii) the partner or support person of a pregnant patient of the hospital, and the purpose of the visit is to attend the birth of the patient's child; or
    - (iii) a person whose presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
    - (iv) an immediate family member of a patient whose medical condition is life threatening; 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;
  - (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 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).

## 7 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.

## 8 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;
  - (b) a denominational hospital;
  - (c) a multi-purpose service;
  - (d) a private hospital; or
  - (e) a day procedure centre;
- (4) **operator** of a hospital means a person who owns, controls or operates the hospital;
- (5) **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;
- (6) **patient** of a hospital means a person who requests or is being provided with health, medical or pharmaceutical services by the hospital;
- (7) 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;
- (8) 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; and
  - (e) private hospital.

## 9 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 22 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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**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. 17)**

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. 16)** and remove the limitations on the purpose, number and time limits for visitors to care facilities.

**2 Citation**

- (1) These directions may be referred to as the **Care Facilities Directions (No. 17)**.
- (2) A reference in any other direction to the **Care Facilities Directions (No. 16)** is taken to be a reference to these directions.

**3 Revocation**

The **Care Facilities Directions (No. 16)** are revoked at 11:59:00 pm on 22 November 2020.

**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 22 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.

*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 22 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's presence at the facility is for the purposes of providing **end of life** support to a resident of the facility; 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
    - (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 Operator obligations

*Operator to take all reasonable steps*

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

*Visitor declarations*

- (2) The operator of a care facility in Victoria must require visitors in relation to the care facility to declare in writing at the start of each visit, but before entering any area of the care facility that is freely accessible to residents, whether the visitor:
- (a) is free of **SARS-CoV-2 Symptoms**; and
  - (b) has, in the preceding 14 days, been in contact with a confirmed case (except in the course of their employment while wearing the appropriate level of personal protective equipment in the circumstances); and

- (c) is currently required to self-isolate or self-quarantine in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 13)**.

*Note 1: 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.

## 8 Relationship with other Directions

- (1) Where the premises of a care facility are located within the premises of a hospital subject to the **Hospital Visitor Directions (No. 15)** these directions apply, to the exclusion of the **Hospital Visitor Directions (No. 15)**, in relation to the premises of the care facility and to matters that relate to the care facility.
- (2) These directions operate alongside, and are not intended to derogate from, obligations imposed on operators of care facilities under the **Workplace Directions (No. 9)** and **Workplace (Additional Industry Obligations) Directions (No. 12)**.

## 9 Definitions

For the purposes of these directions:

- (1) **alcohol and drug residential service** means any of the following:
- (a) a treatment centre within the meaning of the **Severe Substance Dependence Treatment Act 2010**;
  - (b) a residential treatment service (however described) that provides drug or alcohol withdrawal or rehabilitation services in a residential setting to people dependent on alcohol or other drugs;
  - (c) a service that provides supported accommodation to a person after the person has received residential treatment services of the kind referred to in paragraph (b);
- (2) **care facility** has the meaning in clause 4;
- (3) **confirmed case** means a person who has been diagnosed with SARS-CoV-2;
- (4) **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".*
- (5) **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**;
- (6) **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));
- (7) **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;
- (8) **flexible care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;

- (9) **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;
- (10) **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**;
- (11) **proprietor** of a **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (12) **provides labour hire services** has the same meaning as in the **Labour Hire Licensing Act 2018**;
- (13) **registered NDIS provider** has the same meaning as in the **National Disability Insurance Scheme Act 2013** of the Commonwealth;
- (14) **resident** of a care facility includes a patient of the care facility;
- (15) **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;
- (16) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (17) **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  $37.5^{\circ}\text{C}$  (such as night sweats or chills);
  - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
  - (c) loss of smell;
  - (d) loss of taste;
- (18) **secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (19) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (20) **Thomas Embling Hospital** means the hospital of that name operated by the **Victorian Institute of Forensic Mental Health**;

- (21) 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;
- (22) **Victorian Institute of Forensic Mental Health** has the same meaning as in the **Mental Health Act 2014**.

## 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 22 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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