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Public Health and Wellbeing Act 2008

EXTENSION OF DECLARATION OF A STATE OF EMERGENCY

(Section 198(7)(c))

On 16 March 2020, under section 198(1) of the **Public Health and Wellbeing Act 2008** (Act), the Minister for Health made a declaration of a state of emergency throughout the State of Victoria arising out of the serious risk to public health in Victoria from Novel Coronavirus 2019 (SARS-CoV-2), the virus which causes the coronavirus disease (COVID-19) (Declaration).

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

- 12 April 2020 (effective midnight on 13 April 2020);
- 11 May 2020 (effective midnight on 11 May 2020);
- 31 May 2020 (effective at 11:59:00 pm on 31 May 2020);
- 21 June 2020 (effective at 11:59:00 pm on 21 June 2020);
- 19 July 2020 (effective at 11:59:00 pm on 19 July 2020);
- 16 August 2020 (effective at 11:59:00 pm on 16 August 2020);
- 13 September 2020 (effective at 11:59:00 pm on 13 September 2020);
- 11 October 2020 (effective at 11:59:00 pm on 11 October 2020);
- 8 November 2020 (effective at 11:59:00 pm on 8 November 2020); and
- 6 December 2020 (effective at 11:59:00 pm on 6 December 2020).

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

This extension takes effect at 11:59:00 pm on 3 January 2021 and remains in force until 11:59:00 pm on 29 January 2021.

Dated 3 January 2021

MARTIN FOLEY MP
Minister for Health

SPECIAL

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM DEPUTY CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Workplace Directions (No. 15)**

I, Dr Clare Looker, Deputy 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. 14)**.

2 Citation

These directions may be referred to as the **Workplace Directions (No. 15)**.

3 Revocation

The **Workplace Directions (No. 14)** are revoked at 11:59:00 pm on 3 January 2021.

4 Commencement

These directions commence at 11:59:00 pm on 3 January 2021 and end at 11:59:00 pm on 29 January 2021.

5 Operation of a Work Premises

- (1) An employer:
 - (a) may permit workers to work from the employer's Work Premises, to the extent the Work Premises is permitted to operate under the **Restricted Activity Directions (Victoria)**;
 - (b) must allow a worker to perform work at the worker's place of residence or another suitable **premises** which is not the Work Premises, where it is not **reasonably practicable** for the worker to work from the Work Premises; and
 - (c) in relation to office-based Work Premises:
 - (i) must permit workers to attend the Work Premises where it is not reasonably practicable for the worker to work at the worker's place of residence or another suitable premises which is not the Work Premises;
 - (ii) must not require workers to work at the Work Premises if 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; and

- (iii) may permit workers to attend the Work Premises in accordance with the requirements of the COVIDSafe Plan for that Work Premises.

Note: if a worker was already permitted to work at a Work Premises as at 11:58:59 pm on 29 November 2020, subclause 5(1) is not intended to operate in a way that would prevent that worker from working at a Work Premises from 11:59:00 pm on 29 November 2020.

- (2) An employer must comply with the **Workplace (Additional Industry Obligations) Directions** 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**).

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 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 person is working by themselves in an enclosed indoor space (unless and until another person enters that indoor space); or
- (f) 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
- (g) the worker is consuming food, drink or medicine; or
- (h) the worker is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
- (i) the worker is asked to remove the face covering to ascertain identity; or
- Example: 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 exceptions above do not apply, if required to do so in accordance with any other Directions currently in force.

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: employers can use the template plan accessible from the following website for guidance: <https://www.coronavirus.vic.gov.au/covidsafe-plan>

- (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) in relation to office-based Work Premises, the processes the employer has put in place to demonstrate best endeavours to ensure that:

- (A) where fewer than 40 workers ordinarily work at the Work Premises at any one time, no more than 10 workers (excluding workers working at the Work Premises in accordance with subclause 5(1)(c)(i)) work at the Work Premises at any one time; or

- (B) where 40 or more workers ordinarily work at the Work Premises at any one time, no more than 25% of the workers (excluding workers working at the Work Premises in accordance with subclause 5(1)(c)(i)) work at the Work Premises at any one time;

Note: the employer must follow any guidance on office-based work issued by the Department of Jobs, Precincts and Regions.

- (vi) 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;

Note 1: despite subclause (5)(b), an employer must have a COVIDSafe Plan in relation to a fleet of two or more vehicles.

Note 2: where an employer owns, operates or controls only one vehicle, then it must have a COVIDSafe Plan for that vehicle.

*Example: where an employer owns, operates or controls only one **commercial passenger vehicle** or a vehicle used to provide **passenger 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: each vehicle used predominantly as a Work Premises (e.g. food trucks, dental vans) requires a COVIDSafe Plan.

- (6) An employer must:
 - (a) comply with any direction given by an **Authorised Officer** or **WorkSafe inspector** to modify a COVIDSafe Plan, including:
 - (i) following an outbreak of confirmed cases of SARS-CoV-2 at a Work Premises; or
 - (ii) if the Authorised Officer considers that the COVIDSafe Plan is not fit for purpose; and
 - (b) implement any modifications required in accordance with subclause (6)(a).

Record-keeping obligations (records requirement)

- (7) Subject to subclause (9), an employer must keep a record of all workers and all visitors who attend the Work Premises for longer than 15 minutes (at a minimum), which includes:

- (a) the person's first name; and
- (b) a contact phone number; and
- (c) the date and time at which the person attended the Work Premises; and
- (d) the areas of the Work Premises which the person attended.

Note: the records requirement applies in respect of all persons that attend the facility or venue for longer than 15 minutes, which may include staff, customers, and maintenance and delivery workers.

- (8) An employer may comply with the record-keeping requirements in subclause (7) in relation to a worker or visitor where the worker or visitor records their visit to the Work Premises using a digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government for that purpose.

- (9) An employer is not required to comply with the 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**; or
- (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); and
 - (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; and

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.

Additional records requirement (Additional records requirement)

- (11) 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.
- (12) In collecting the information outlined in subclause (11), 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.

Density quotient (Density quotient)

- (13) In any shared spaces (such as lunchrooms) and publicly accessible areas at the Work Premises (except in relation to any shared spaces in **schools**, non-school senior secondary providers, **childcare or early childhood services**, or **higher education services** used by students or children, including classrooms; and clinical areas of a **hospital**), 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 provider, education and care service, childcare or early childhood service, or higher education 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 early childhood service, or higher education service), and any such publicly accessible areas that are subject to the signage requirements under subclause (16).

*Note 2: in relation to a school, non-school senior secondary provider, childcare or early childhood service, or higher education service using facilities other than the school, childcare or higher education service premises, the density quotient of the relevant facility and the relevant requirements of the facility's COVIDSafe Plan will apply to the school, non-school senior secondary provider, childcare or early childhood service, or higher education service when using that facility. As an alternative to using the facility's COVIDSafe Plan, the school, non-school senior secondary provider, childcare or early childhood service, or higher education 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 provider, childcare or early childhood service, or higher education service for educational purposes, the restrictions and guidance on teachers, staff, students and children under the **Restricted Activity Directions (Victoria)** apply in relation to the school, non-school senior secondary provider, childcare or early childhood service, or higher education 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 resident lounges not accessible by visitors.*

Note 4: In relation to a hospital, clinical areas including emergency department waiting rooms and hospital wards are areas of a hospital that the density quotient does not apply to, however, other non-clinical areas of the hospital are subject to the density quotient where practicable.

(14) The **density quotient** for the purposes of subclause (13) limits:

- (a) in relation to a shared space, the number of persons who are permitted in a shared space; or
- (b) in relation to a publicly accessible space:
 - (i) where that publicly accessible space is occupied by workers on an ad hoc basis, the number of members of the public; or
 - (ii) where that publicly accessible space is occupied by workers on an ongoing basis, the number of persons,

*Note: the **Restricted Activity Directions (Victoria)** specifies which facilities should calculate the density quotient by reference to the number of persons in the accessible area or alternatively the number of members of the public in the accessible area.*

at any one time to the number calculated by dividing the total accessible space (measured in square metres) by 2 in relation to any shared space or publicly accessible space and:

- (c) for an indoor space, applies to each single undivided space permitted to operate under these directions; and
- (d) for an **indoor zone**, applies to each indoor zone within an indoor space permitted to operate under these directions; and
- (e) for an outdoor space, market or retail shopping centre, applies to the total space permitted to operate under these directions; and
- (f) for a hospital, to non-clinical areas of the hospital where practicable.

Example: if an outdoor space is 8.5 metres long and 4.5 metres wide, its total area is 38.25 square metres. 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.

(15) The number of people allowed in a shared space or publicly accessible area may be subject to a separate specified density measure or cap under the **Restricted Activity Directions (Victoria)** and, in those circumstances, the density quotient will not apply.

*Example 1: under the **Restricted Activity Directions (Victoria)** the publicly accessible area used to calculate the density measure for **food and drink facilities** excludes toilets, separate hallways, separate foyers or play areas.*

*Example 2: under the **Restricted Activity Directions (Victoria)** some facilities have a patron cap that is less than the number of people allowed under the density quotient.*

Signage requirements (signage requirement)

- (16) 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.

- (17) A person who owns, operates or controls a market stall, market or retail shopping centre must:
- (a) limit the number of members of the public permitted by the density quotient as it applies respectively to the market stall, market or the retail shopping centre; and
 - (b) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.
- (18) Where any other Directions currently in force require a face covering to be worn in a Work Premises or part of a Work Premises:
- (a) an employer in relation to that Work Premises; or
 - (b) a person who owns, operates or controls that Work Premises,
- must display a sign at each public entry advising that each person entering the Work Premises must wear a face covering, unless an exemption under a Direction currently in force applies.

Cleaning requirements (cleaning requirement)

- (19) An employer must take all reasonable steps to ensure that shared spaces at which work is performed and areas accessible to members of the public at any Work Premises are **cleaned** on a regular basis, including:
- (a) frequently touched surfaces, including toilets and handrails, are cleaned at least twice on any given day; and
 - (b) surfaces are cleaned when visibly soiled; and
 - (c) if a function is to occur, a reasonable period of time has elapsed since the conclusion of any earlier function to allow for cleaning in between the functions; and
 - (d) surfaces accessible to a particular group are cleaned between groups; and
Example: cleaning surfaces between shifts of workers.
 - (e) surfaces are cleaned immediately after a spill on the surface.
- (20) To ensure a surface is cleaned for the purposes of these directions, a person must wipe the surface with a disinfectant:
- (a) the label of which states a claim by the manufacturer that the disinfectant has anti-viral properties; or
 - (b) made by a person according to instructions issued by the Department.
- (21) 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

- (1) An employer must not require a worker to perform work at a Work Premises if the worker is displaying one or more **SARS-CoV-2 Symptoms**.

- (2) As soon as practicable after becoming aware of a suspected case in a worker who has attended a Work Premises in the period commencing 48 hours prior to the onset of symptoms, an employer must:
- (a) advise the worker to **self-isolate** immediately and support the worker in doing so, by either:
 - (i) directing the worker to travel home immediately (and providing support to the worker to do so); or
 - (ii) where the worker is unable to travel home immediately, directing the worker to isolate themselves at the Work Premises and, whilst doing so, to wear a face covering and remain at least 1.5 metres from any other person at the Work Premises, until the worker can return home later that day to self-isolate; and

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

Examples: lift buttons, door handles, washroom facilities, kitchen facilities, water coolers. For further information, see the guidance at www.dhhs.vic.gov.au/cleaning-and-disinfecting-reduce-covid-19-transmission-tips-non-healthcare-settings.
 - (d) ensure appropriate records are maintained in accordance with clause 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.

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.

- (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 contract 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 and/or 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
- (iii) 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 Facilities Directions** means the **Care Facilities Directions (No. 19)** as amended or replaced from time to time;
- (3) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (4) **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 and/or preschool and family daycare services, but not including outside school hours care services; and
 - (b) **Children Services Act 1996**, including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (5) **cleaned** has the meaning in clause 6(20);
- (6) **cleaning requirement** has the meaning in clause 6(19) to (21) (both inclusive);
- (7) **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**;
- (8) **commercial passenger vehicle services** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;
- (9) **common areas of a retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (10) **confirmed case** means a diagnosis of SARS-CoV-2 in a **worker** at the **Work Premises**;
- (11) **Department** means the Department of Health and Human Services;
- (12) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (13) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 15)** as amended or replaced from time to time;
- (14) **diagnosed worker** means a **worker** who is a **diagnosed person**;
- (15) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (16) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Victoria)**;

- (17) **employee** includes a person who is self-employed;
- (18) **employer** means a person who owns, operates or controls **Work Premises** (or a Work Premises) and includes a person who is self-employed;
- (19) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection;
- (20) **food and drink facility** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (21) **health and safety representative** has the same meaning as in the **OHS Act**;
- (22) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training;
- (23) **indoor space** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (24) **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;
- (25) **inspector** has the same meaning as in the **OHS Act**;
- (26) **market** means a public market, whether indoor or outdoor, including a food market;
- (27) **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;
- (28) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (29) **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.*
- (30) **outdoor space** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (31) **passenger services** has the same meaning as in the **Transport Integration Act 2010**;
- (32) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (33) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (34) **PPE** means personal protective equipment;
- (35) **premises** has the same meaning as in the **PHW Act**;
- (36) **reasonably practicable** is to have its ordinary and common sense meaning;
- (37) **records requirement** has the meaning in clause 6(7) to (10) (both inclusive);
- (38) **Relevant Period** has the meaning given in clause 8(1);

- (39) **Restricted Activity Directions (Victoria)** means the **Restricted Activity Directions (No. 5)** as amended or replaced from time to time;
- (40) **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;
- (41) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (42) **SARS-CoV-2 Symptoms** means symptoms consistent with SARS-CoV-2, including but not limited to the following:
- (a) a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°C (such as night sweats, chills);
 - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
 - (c) loss of smell;
 - (c) loss of taste;
- (43) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (44) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (45) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (46) **Service Victoria** has the same meaning as in the **Service Victoria Act 2018**;
- (47) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (48) **signage requirement** has the meaning in clauses 6(16), (17) and (18);
- (49) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 8)** as amended or replaced from time to time;
- (50) **suspected case** means a person who is displaying one or more **SARS-CoV-2 Symptoms**;
- (51) **vehicle** has the same meaning as in the **PHW Act**;
- (52) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 15)** as amended or replaced from time to time;
- (53) **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.*
- (54) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work;
- (55) **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 3 January 2021

DR CLARE LOOKER
Deputy Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act.

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM DEPUTY CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Workplace (Additional Industry Obligations) Directions (No. 15)**

I, Dr Clare Looker, Deputy 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** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace (Additional Industry Obligations) Directions (No. 14)**.

2 Citation

These directions may be referred to as the **Workplace (Additional Industry Obligations) Directions (No. 15)**.

3 Revocation

The **Workplace (Additional Industry Obligations) Directions (No. 14)** are revoked at 11:59:00 pm on 3 January 2021.

4 Commencement

These directions commence at 11:59:00 pm on 3 January 2021 and end at 11:59:00 pm on 29 January 2021.

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**; and
 - (j) **ports of entry** servicing international arrivals; and
 - (k) **hotel quarantine**; and
 - (l) **hospitals**.

- (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 and hospitals (except for high-risk hospital Work Premises, to which the clause does apply).

Note: the exception of care facilities and hospitals (except for high-risk hospital Work Premises) from the requirements in clause 6 does not exempt care facilities from satisfying equivalent requirements imposed under other regulatory arrangements.

Compliance

- (2) 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

- (3) 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 (3)(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 a Work Premises must:
- (a) increase the regularity of comprehensive cleaning by ensuring all areas where workers are working are cleaned at least daily (except for meat, poultry and seafood processing, seasonal horticulture, care facilities, hospitals and ports of entry); and

Note: the exception of care facilities, hospitals and / or ports of entry from the requirements in subclause 7(1) does not exempt care facilities, hospitals and / or ports of entry from satisfying equivalent requirements imposed under other regulatory arrangements.

- (b) where the employer's Work Premises is an industry that is listed in the **Surveillance Testing Industry List and Requirements** (as amended from time to time on the advice of the Chief Health Officer), carry out surveillance testing for SARS-CoV-2 on its workers in relation to the Work Premises, in accordance with the requirements of that document, including:
- (i) those sections of its workforce required to be tested under the Department Surveillance Testing Industry List and Requirements; and
 - (ii) a weekly surveillance testing target of the percentage of workers that are to be tested,
- for each industry listed in the Surveillance Testing Industry List and Requirements; and
- (c) keep records of surveillance testing of workers for SARS-CoV-2.

Note: the industries and requirements included in the Surveillance Testing Industry List and Requirements may be amended on the advice of the Chief Health Officer.

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) 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 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**.
- (13) Despite clause 5(1)(b) of the **Care Facilities Directions**, 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 (13) 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.

- (14) An employer in relation to a Work Premises that is a care facility in Victoria must comply with personal protective equipment requirements in accordance with the requirements of the Department of Health and Human Services.
- (15) The Chief Health Officer may grant an exemption in writing to the requirements of subclause (13).

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

Ports of entry

- (16) A **port of entry worker** means:
- (a) any airport or maritime port worker who has direct contact with passengers or crew at the international port of entry, including occasional contact or interactions; or
 - (b) a worker or person who interacts with the environment within the international port of entry where passengers and crew are or have been, which includes any worker or person who boards a vessel, ship or aircraft.

- (17) In relation to a Work Premises that is a port of entry Work Premises servicing international arrivals, an employer must:

Note: a Work Premises which is a port of entry servicing international arrivals is a port or airport at which workers provide services in relation to, or encounter, passengers, crew members, shipping vessels or aircraft arriving in Victoria from outside of Australia.

- (a) require port of entry workers to declare in writing at the start of each shift that the port of entry 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**.
- (b) designate a port of entry worker(s) 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) arrange operations at the Work Premises so as to have workers working consistently with the same group of other workers where reasonably practicable, including (but not limited to):
 - (i) developing separate shifts in a way that minimises physical interactions between groups of workers attending different shifts;
 - (ii) separates workers into work areas;
 - (iii) dividing work areas up further into separate teams;
 - (iv) providing separate break areas for the separate teams;
 - (v) requiring teams to use separate entrances and exits from other teams;
 - (vi) where workers are from the same household, ensuring they work in the same shift and work area; and
- (d) provide regular training to workers (including, but not limited to, an induction for all workers commencing at, or returning to, the Work Premises) that covers:
 - (i) good hygiene practices; and
 - (ii) advising workers not to attend the Work Premises when unwell; and
 - (iii) compliance with the requirements of subclause (17)(c); and
- (e) make available an adequate supply of PPE free of charge to port of entry workers; and
- (f) ensure that all port of entry workers wear appropriate PPE in accordance with the requirements of the Department; and
- (g) test the temperature of each port of entry worker each day before they enter the Work Premises and, if the port of entry worker's temperature is 37.5°C or more, direct the port of entry 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.

- (18) Subclauses (17)(b) and (17)(c) do not apply to the following port of entry workers:
- (a) administrative support service workers;
 - (b) truck drivers;
 - (c) tugboat crew;
 - (d) stevedores; and
 - (e) office workers at freight terminals.

Hotel quarantine

- (19) Any worker in relation to a hotel quarantine Work Premises should provide the Department with the following details of any person with whom they ordinarily reside:
- (a) the worker's name, contact number and address;
 - (b) the person's first name; and
 - (c) a contact phone number; and
 - (d) the person's workplace(s), including address; and
 - (e) if the person attends school, the name and address of the school.
- (20) 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**.
 - (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) arrange operations at the Work Premises so as to have workers working consistently with the same group of other workers where reasonably practicable, including (but not limited to):
 - (i) developing separate shifts in a way that minimises physical interactions between groups of workers attending different shifts;
 - (ii) separates workers into work areas;
 - (iii) dividing work areas up further into separate teams;
 - (iv) providing separate break areas for the separate teams;
 - (v) requiring teams to use separate entrances and exits from other teams;
 - (vi) where workers are from the same household, ensuring they work in the same shift and work area; and
 - (d) make available an adequate supply of PPE free of charge to workers; and
 - (e) ensure that all workers wear appropriate PPE in accordance with the requirements of the Department; and

- (f) 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
- (g) 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 (20)(c).
- (21) Subject to subclause (22), an employer in relation to a hotel quarantine Work Premises must not require or permit a worker to perform work at more than one hotel quarantine Work Premises of the employer.
- (22) Subclause (21) does not apply where it is not practicable to limit a worker to only one hotel quarantine Work Premises.
- (23) Where subclause (22) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of workers working across multiple Work Premises.

Example: rosters.
- (24) If a worker is working at more than one Work Premises for two or more different employers:
 - (a) the worker must provide a written declaration to each employer to advise them that the worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
 - (b) each employer must maintain a record of all workers who have disclosed to the employer under subclause (24)(a) that they are working across more than one Work Premises.

Hospitals

- (25) In relation to a Work Premises that is a hospital, an employer must require workers 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, where relevant); and
 - (c) is not currently required to self-isolate or self-quarantine under the **Diagnosed Persons and Close Contacts Directions**.
- (26) In relation to those parts of a hospital that are a **high-risk hospital Work Premises**, an employer must:
 - (a) designate a **high-risk hospital Work Premises worker** 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

- (b) arrange operations at the Work Premises so as to have high-risk hospital Work Premises workers working consistently with the same group of other high-risk hospital Work Premises workers where reasonably practicable, including (but not limited to):
 - (i) developing separate shifts in a way that minimises physical interactions between groups of high-risk hospital Work Premises workers attending different shifts;
 - (ii) separates high-risk hospital Work Premises 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 high-risk hospital Work Premises workers are from the same household, ensuring they work in the same shift and work area.
- (27) Subject to subclause (28), an employer in relation to a high-risk hospital Work Premises must not require or permit a high-risk hospital Work Premises worker to perform work at more than one Work Premises of the employer.
- (28) Subclause (27) does not apply where it is not practicable to limit a high-risk hospital Work Premises worker to only one Work Premises.
- (29) Where subclause (28) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of high-risk hospital Work Premises worker working across multiple Work Premises.
Example: rosters.
- (30) If a high-risk hospital Work Premises worker working in a high-risk hospital Work Premises is working at more than one Work Premises for two or more different employers:
 - (a) the high-risk hospital Work Premises worker must provide a written declaration to each employer to advise them that the high-risk hospital Work Premises 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 high-risk hospital Work Premises workers who have disclosed to the employer under subclause (11)(a) that they are working across more than one Work Premises.

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**, the **Workplace Directions** 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**;
- (6) **Care Facilities Directions** means the **Care Facilities Directions (No. 19)** as amended or replaced from time to time;
- (7) **care facility worker** has the same meaning as “worker” in clause 6(1) of the **Care Facilities Directions**;
- (8) **cleaned** has the same meaning as in the **Workplace Directions**;
- (9) **commercial cleaning services** means a business that provides cleaning and sanitisation services to commercial premises;
- (10) **commercial passenger vehicle services** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;
- (11) **confirmed case** means a worker diagnosed with SARS-CoV-2;
- (12) **COVID Marshal** has the meaning in clause 7(2)(a);
- (13) **Department** means the Department of Health and Human Services;
- (14) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 15)** as amended or replaced from time to time;
- (15) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (16) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (17) **employee** includes a person who is self-employed;
- (18) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (19) **face covering** has the same meaning as in the **Workplace Directions**;
- (20) **high-risk hospital Work Premises** means the following parts of a **hospital**:
 - (a) any ward treating confirmed cases of SARS-CoV-2;
 - (b) where the Chief Health Officer (or their delegate) notifies a hospital that there is community transmission in an area proximate to that hospital, that hospital’s:
 - (i) ward(s) treating any **high-risk suspected cases of SARS-CoV-2**;
 - (ii) emergency department; and
 - (iii) intensive care unit;
- (21) **high-risk hospital Work Premises worker** means any worker involved in the direct care of patients, and those who interact with, a **high-risk hospital Work Premises**;
- (22) **high-risk suspected cases of SARS-CoV-2** means a person who has a compatible clinical illness to SARS-CoV-2 and in the last 14 days prior to onset of illness:
 - (a) was a close contact with a confirmed or probable case; or
 - (b) travelled internationally; or
 - (c) worked as a health care, aged or residential care worker with direct patient contact; or
 - (d) lived in or travelled through a geographically localised area with an elevated risk of community transmission of SARS-CoV-2, as defined by public health authorities in that area;
- (23) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (24) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 17)** as amended or replaced from time to time;

- (25) **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;
- (26) **inspector** has the same meaning as in the **OHS Act**;
- (27) **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);
- (28) **meat processing facility** has the meaning under the PrimeSafe licence category “further meat processing facilities”;
- (29) **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**;
- (30) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (31) **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.*
- (32) **perishable food Work Premises** means a Work Premises that is predominantly a perishable food facility that is a chilled distribution facility.
- (33) **personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;
- (34) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (35) **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)**;
- (36) **port of entry** means a **port** or **airport**;
- (37) **port of entry worker** has the meaning in subclause 7(16);
- (38) **poultry processing facility** has the meaning under the PrimeSafe licence category “poultry meat processing facilities”;
- (39) **premises** has the same meaning as in the **PHW Act**;
- (40) **reasonably practicable** is to have its ordinary and common sense meaning;
- (41) **records requirement** has the same meaning as in the **Workplace Directions**;
- (42) **SARS-CoV-2 Symptoms** has the same meaning as in the **Workplace Directions**;
- (43) **seafood processing facility** has the meaning under the PrimeSafe licence category “seafood processing facilities”;
- (44) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;

- (45) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (46) **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;
- (47) **seasonal Work Premises** means a farm or workplace where **seasonal horticultural work** is undertaken;
- (48) **seasonal worker** means a worker temporarily employed or engaged to perform **seasonal horticultural work** at **seasonal Work Premises**;
- (49) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 8)** as amended or replaced from time to time;
- (50) **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;
- (51) **supermarket Work Premises** means the total of all supermarket distribution facilities;
- (52) **Surveillance Testing Industry List and Requirements** means the Department document that lists the industries (as amended from time to time on the advice of the Chief Health Officer) that are required to carry out surveillance testing on their workers, and also sets out the surveillance testing requirements for those listed industries;
- Note: the Surveillance Testing Industry List and Requirements are available at <https://www.dhhs.vic.gov.au/surveillance-testing-industry-list-covid-19>.*
- (53) **vehicle** has the same meaning as in the **PHW Act**;
- (54) **Workplace Directions** means the **Workplace Directions (No. 15)** as amended or replaced from time to time;
- (55) **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.*
- (56) **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 –
- (a) give information that is false or misleading in a material particular; or
 - (b) make a statement that is false or misleading in a material particular; or
 - (c) produce a document that is false or misleading in a material particular –
- to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

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

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

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

- (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.
Penalty: In the case of a natural person, 60 penalty units;
In the case of a body corporate, 300 penalty units.
- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.
- (2) Section 203 of the PHW Act provides:
- Compliance with direction or other requirement**
- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.
Penalty: In the case of a natural person, 120 penalty units;
In the case of a body corporate, 600 penalty units.
Note: currently, 120 penalty units equals \$19,826 and 600 penalty units equals \$99,132.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.
- (3) A person who fails to comply with these directions is liable for an on-the-spot fine of:
- (a) 10 penalty units (\$1,652) in the case of a natural person; or
(b) 60 penalty units (\$9,913) in the case of a body corporate.
- (3) Additionally, a person who fails to comply with these directions may in certain circumstances be liable to prosecution under the PHW Act for the maximum penalties outlined in subclause (2).

Dated 3 January 2021

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

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM DEPUTY CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Restricted Activity Directions (Victoria) (No. 5)**

I, Dr Clare Looker, Deputy 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) (No. 4)**.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Victoria) (No. 5)**.

3 Revocation

The **Restricted Activity Directions (Victoria) (No. 4)** are revoked at 11:59:00 pm on 3 January 2021.

4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00 pm on 3 January 2021 and ending at 11:59:00 pm on 29 January 2021.

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.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (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**, 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 (f), the number of persons permitted in each indoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the number calculated by dividing the total area of the indoor space accessible to members of the public (measured in square metres) by 4; and

Note: the reference to the number of persons in paragraph (a) includes spectators.

- (b) subject to paragraph (a) and (f), the number of persons permitted in each group, class or session in an indoor space at any one time is limited to (with infants under one year of age not counting towards this limit) 50;

Note: a carer, parent or guardian of a person with a disability is not counted in these limits. 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.

- (c) the number of members of the public permitted in any indoor **seated space** at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:

- (i) 75 per cent of the maximum seated space capacity; and
- (ii) 1000; and

Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.

- (d) any shared equipment is **cleaned** between users; and
- (e) where the maximum capacity for the facility in accordance with these directions is 500 persons 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 staffed cardio or strength training facility:

- (i) the number of persons permitted in each indoor space at any one time is limited to (with infants under one year of age not counting towards this limit):

- (A) when the cardio or strength training facility is **staffed**, the number calculated by dividing the total area of all **indoor space** accessible to members of the public (measured in square metres) by 4; and

- (B) when the cardio or strength training facility is not staffed, the number calculated by dividing the total area of all indoor space accessible to members of the public (measured in square metres) by 8; and
 - (ii) when the cardio or strength training facility is staffed, the facility has a **COVID Marshal** onsite during the operating hours of the cardio or strength training facility; and
- Note: the COVID Marshal may be a person conducting or leading a group, class or session in the cardio or strength training facility.*
- (iii) when the cardio or strength training facility is not staffed, the person makes **disinfectant** and other cleaning products available to persons at the 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
 - (b) the number of persons permitted in each outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:
 - (i) if the person uses **electronic record-keeping**, the number permitted by the **density quotient**; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and
 - (iii) 1000; and

Note 1: a person who owns, controls or operates a facility for any activity or event proposed for more than 1000 persons should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.

Note 2: the reference to the number of persons in paragraph (b) includes spectators.
 - (c) subject to paragraph (b), the number of persons permitted in each group, class or session in an outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit) 100; and
- Note: a carer, parent or guardian of a person with a disability is not counted in these limits. 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.*
- (d) the number of members of the public permitted in any seated outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:
 - (i) 75 per cent of the maximum seated space capacity; and
 - (ii) 1000; and

Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.

- (e) a reasonable distance can be maintained between each group, class or session at all times; and
- (f) any shared equipment is cleaned between users; and
- (g) where the maximum capacity for the facility in accordance with these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site.

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 persons permitted in each indoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the number calculated by dividing the total area of indoor space accessible to members of the public (measured in square metres) by 4; and
 - (b) where the maximum capacity for the facility in accordance with these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site.

6 Community sport

- (1) A person may only participate in a community sport in the State of Victoria if:
 - (a) no more than 50 persons participate for individual events conducted in an indoor space; and
 - (b) no more than 100 persons participate for individual events conducted in an outdoor space.

Example: running and cycling are individual events.

Note: a carer, parent or guardian of a person with a disability is not counted in these limits. 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.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (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, 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) any wedding or funeral is compliant with the requirements of the **Stay Safe Directions (Victoria)**; and
 - (b) subject to paragraph (c), the number of persons permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and

Note: a person who owns, controls or operates a facility for any activity or event proposed for more than 1000 persons should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.

- (c) any dancefloor is operated in accordance with clause 18.
- (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 at any one time for educational or school gathering purposes,
- is not required to comply with the limits in subclause (3)(b) and (c).

Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if family and friends of students and staff are permitted to attend.

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.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (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 or stadium;
 - (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**;
- (q) a **nightclub**;
- (r) a convention centre.

Seated entertainment facility

- (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)(f) (arena or stadium) in the State of Victoria may operate the facility if:
- (a) the number of members of the public permitted at any one time in the facility is limited to (with infants under one year of age not counting towards this limit) 75 per cent of the total maximum seated space capacity in the facility; and
 - (b) for each seated space in the facility:
 - (i) all activities are ticketed; and
 - (ii) the number of members of the public permitted in the seated space at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:
 - (A) 75 per cent of the maximum seated space capacity; and
 - (B) 1000; and
- Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.*
- (c) subject to paragraph (g), the number of members of the public permitted in each **non-seated space** at the facility at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the non-seated space accessible to members of the public (measured in square metres) by 4; and
 - (d) entry to, and egress from, a seated space or a non-seated space is monitored and staggered, where possible, to ensure compliance with the limits that apply in paragraphs (b)(ii) and (c); and
 - (e) where the maximum capacity for the facility under these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; 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; and
 - (g) any dancefloor is operated in accordance with clause 18.

- (4) Despite subclause (3), a person who operates a facility described in subclause (3) for the purpose of providing an exclusive venue for the exclusive use of a single school outside school hours at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (3)(a) to (d) and (g).

Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if family and friends of students and staff are permitted to attend.

Non-seated indoor entertainment facility

- (5) A person who owns, controls or operates a facility in subclause (2)(d) (gallery or a museum), (2)(e) (State Library), (2)(o) (animal facility) or (2)(r) (convention centre) in the State of Victoria may operate the facility if:

- (a) the number of members of the public permitted at any one time in the facility is limited to (with infants under one year of age not counting towards this limit) 50 per cent of the maximum capacity for the facility stated in the **occupancy permit** for the facility; and

Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above 1000 should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.

- (b) subject to paragraph (f), the number of members of the public permitted in each **non-seated indoor space** at any one time is limited to (with infants under one year of age not counting towards this limit):

- (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and

- (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the non-seated indoor space accessible to members of the public (measured in square metres) by 4; and

- (iii) 1000; and

Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.

- (c) subject to paragraph (f), the number of members of the public permitted in each seated space at any one time is limited to (with infants under one year of age not counting towards this limit) 75 per cent of the maximum seated space capacity; and

- (d) where the maximum capacity for the facility under these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; and

- (e) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and

- (f) any dancefloor is operated in accordance with clause 18.

- (6) Despite subclause (5), a person who operates a facility described in subclause (5) for the purpose of providing an exclusive venue for the exclusive use of a single school outside school hours at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (5)(a) to (c) and (f).

Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if family and friends of students and staff are permitted to attend.

Non-seated outdoor entertainment facility

- (7) A person who owns, controls or operates a facility in subclause (2)(d) (gallery or a museum) or (2)(o) (animal facility) in the State of Victoria may operate the facility if:
- (a) subject to paragraph (e), the number of members of the public permitted in each **non-seated outdoor space** at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the non-seated outdoor space accessible to members of the public (measured in square metres) by 4; and
 - (b) subject to paragraph (e), the number of members of the public permitted in each seated space at any one time is limited to (with infants under one year of age not counting towards this limit) 75 per cent of the maximum seated space capacity; and
- Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limit above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.*
- (c) where the maximum capacity for the facility under these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; and
 - (d) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
 - (e) any dancefloor is operated in accordance with clause 18.
- (8) Despite subclause (7), a person who operates a facility described in subclause (7) for the purpose of providing an exclusive venue for the exclusive use of a single school outside school hours at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (7)(a), (b) and (e).

Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if family and friends of students and staff are permitted to attend.

Drive-in cinema

- (9) 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) subject to paragraph (e), the total number of members of the public permitted in each indoor space (other than the indoor space of a vehicle) or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and

Note: members of the public are permitted to leave a vehicle to access toilet facilities or a food and drink facility.

- (c) where the maximum capacity for the facility in accordance with these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; and
- (d) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
- (e) any dancefloor is operated in accordance with clause 18.

Amusement park

(10) 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) the number of members of the public permitted in the facility at any one time is limited to (with infants under one year of age not counting towards this limit) 75 per cent of the maximum capacity for the facility stated in the occupancy permit for the facility; and

Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limit above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.

- (b) subject to paragraph (g), the number of members of the public permitted in each indoor space at any one time is limited to (with infants under one year of age not counting towards this limit) to the number calculated by dividing the total area of the indoor space accessible to members of the public (measured in square metres) by 4; and
- (c) subject to paragraph (g), the number of members of the public permitted in each outdoor space at facility at any time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the outdoor space accessible to members of the public (measured in square metres) by 4; and
- (d) where the maximum capacity for the facility in accordance with these directions is 500 persons 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) 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; and
- (g) any dancefloor is operated in accordance with clause 18.

Casino

(11) 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 person uses electronic record-keeping; and
- (b) the number of members of the public permitted in the facility at any one time is limited to 50 per cent of the maximum capacity for the facility stated in the occupancy permit; and
- (c) subject to paragraph (j), the number of members of the public permitted in each indoor space at any one time is limited to the number calculated by dividing the total area of the indoor space accessible to members of the public (measured in square metres) by 4; and

- (d) each **gaming machine** at the facility is either:
 - (i) a distance of at least 1.5 metres from each other gaming machine; or
 - (ii) not adjacent to a gaming machine permitted to be available for use by members of the public; and

Note: gaming machines must be at least 1.5 metres from each other or where adjacent to each other (whether arranged in a row or in another formation), at least every second gaming machine must be disabled from game play.
- (e) the space available is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
- (f) the person:
 - (i) requires **workers** to complete an online COVID-19 training package arranged by the person that addresses personal hygiene, physical distancing and symptom awareness; and
 - (ii) retains security camera footage for at least 14 days after it is recorded; and
- (g) members only areas permit access only by swipe card; and
- (h) a COVIDSafe Plan for the facility is published on the facility's Internet site; and
- (i) the facility has a COVID Marshal onsite during the operating hours of the facility; and
- (j) any dancefloor is operated in accordance with clause 18.

Retail betting venue

- (12) A person who owns, controls or operates a retail betting venue in the State of Victoria may operate the venue if:
 - (a) subject to paragraph (b), the number of members of the public permitted in each indoor space or outdoor space at any one time is limited to:
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and
 - (b) any dancefloor is operated in accordance with clause 18.

Gaming machine area

- (13) A person who owns, controls or operates a gaming machine area in the State of Victoria in a facility other than a facility in subclause (2)(i) (casino) may operate the facility if:
 - (a) the person uses electronic record-keeping; and
 - (b) subject to paragraph (f), the total number of members of the public permitted in the gaming machine area at any one time is limited to the number calculated by dividing the total area of the gaming machine area accessible to members of the public (measured in square metres) by 4; and

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

 - (c) each gaming machine at the facility is either:
 - (i) a distance of at least 1.5 metres from each other gaming machine; or

- (ii) not adjacent to a gaming machine permitted to be available for use by members of the public; and

Note: gaming machines must be at least 1.5 metres from each other or where adjacent to each other (whether arranged in a row or in another formation), at least every second gaming machine must be disabled from game 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; and
- (f) any dancefloor is operated in accordance with clause 18.

Brothel, sex on premises venue or sexually explicit entertainment venue

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

- (a) the person uses electronic record-keeping; and
- (b) 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 calculated by dividing the total area of all indoor space and outdoor space accessible to members of the public (measured in square metres) by 4; and
 - (ii) 100; 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: all members of the public in any public or private area of a brothel or sex on premises venue are included in this limit.

- (c) subject to paragraph (e), the number of members of the public permitted in each indoor space or outdoor space at any one time is limited to the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and
 - (d) 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; and
 - (e) any dancefloor is operated in accordance with clause 18.
- (15) A person who owns, operates or controls a sexually explicit entertainment venue may operate that facility if:

- (a) the person uses electronic record-keeping; and
- (b) subject to paragraph (d), the number of members of the public permitted in each indoor space at any one time is limited to the number calculated by dividing the total area of the indoor space accessible to members of the public (measured in square metres) by 4; and
- (c) 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; and
- (d) any dancefloor is operated in accordance with clause 18.

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 person uses electronic record-keeping; and

- (b) subject to paragraph (d), the number of members of the public permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and
- (c) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility, are made; and
- (d) any dancefloor is operated in accordance with clause 18.

Arcade, escape room, bingo centre

- (17) A person who owns, controls or operates a facility in subclause (2)(g) (arcade), (2)(m) (bingo centre) or, (2)(n) (escape room) in the State of Victoria may operate the facility if:
- (a) subject to paragraph (d), the number of members of the public permitted in each indoor or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and
 - (b) where the maximum capacity for the facility in accordance with these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; and
 - (c) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
 - (d) any dancefloor is operated in accordance with clause 18.

Nightclub

- (18) A person who owns, controls or operates a facility in subclause (2)(q) (nightclub) in the State of Victoria may operate the facility if:
- (a) the person uses electronic record-keeping; and
 - (b) subject to paragraph (d), the number of members of the public permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the number permitted by the density quotient; and
 - (c) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility, are made; and
 - (d) any dancefloor is operated in accordance with clause 18.

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.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (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) subject to paragraph (d), the number of persons permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and
 - (b) where the place of worship operates for the purpose of conducting a religious gathering or ceremony, the religious gathering or ceremony is conducted either at the place of worship or at an outdoor space proximate to the place of worship; and
 - (c) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by participants; and
 - (d) any dancefloor is operated in accordance with clause 18.
- (3) Despite subclause (2), a person who operates a place of worship for the purpose of hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise) is not required to comply with the limits in subclause (2)(a).

Examples: a food bank or a service for homeless persons.

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 the number of persons permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
- (a) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (b) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4.

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.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (2) A **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer's licence** or a **club licence**.

- (3) A person who owns, controls or operates a licensed premises in the State of Victoria may operate that premises for the purposes of:
- (a) operating a **bottleshop**; or
 - (b) operating a retail betting venue in accordance with clause 8(12); or
 - (c) operating a gaming machine area in accordance with clause 8(13); or
 - (d) operating a sexually explicit entertainment venue in accordance with clause 8(14);
 - (e) operating a karaoke facility in accordance with clause 8(16); or
 - (f) operating a nightclub facility in accordance with clause 8(18); or
 - (g) providing food or drink in accordance with clause 12; or
 - (h) providing accommodation in accordance with clause 13; or
 - (i) operating a dancefloor in accordance with clause 18.

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.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (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) **communal or shared space** means toilets, separate hallways, separate foyers or playgrounds at the facility;
- (b) **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.

- (c) **roof** means any structure or device (whether temporary, fixed or movable) that prevents or significantly impedes upward airflow, including a ceiling or awning;
- (d) **wall** means any structure (whether fixed or movable) that prevents or significantly impedes lateral airflow, notwithstanding if it has a window or door.

Food and drink facility is a 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) subject to paragraph (b), the number of members of the public permitted in each indoor space or outdoor space at a food court at any one time is limited to the density quotient; and
 - (b) any dancefloor is operated in accordance with clause 18.

Food and drink facility is not a food court

- (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) subject to paragraph (c), where the total area of all indoor spaces and outdoor spaces accessible to members of the public (but excluding all communal or shared space) at the facility is less than 50 square metres, the number of members of the public permitted in the facility at any one time is limited to (with any infant under one year of age not counting in this limit):
 - (i) if the person uses electronic record-keeping, 25; or
 - (ii) if the person does not use electronic record keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (but excluding all communal or shared space) (measured in square metres) by 4; and
 - (b) subject to paragraph (c) where the total area of all indoor spaces and outdoor spaces accessible to members of the public (but excluding all communal or shared space) at the facility is 50 square metres or more, the number of members of the public permitted in each indoor space or outdoor space at any one time is limited to (with any infant under one year of age not counting in this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; or
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (but excluding all communal or shared space) (measured in square metres) by 4; and
 - (c) any dancefloor is operated in accordance with clause 18.

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.

- (6) Despite subclause (5), a person who operates a food and drink facility that is not located inside a food court for the purpose of providing an exclusive venue for the exclusive use of a single school outside school hours at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (5).

Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if family and friends of students and staff are permitted to attend.

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.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility (such as a camping ground or caravan park) for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (2) For the purposes of this clause:
- (a) **accommodation facility** includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:
 - (i) a camping ground;
 - (ii) a caravan park;
 - (iii) a hotel;
 - (iv) a hostel;
 - (v) a Bed and Breakfast;
 - (vi) a private holiday rental facility, including AirBnBs;
 - (vii) a motel;
 - (viii) a serviced apartment; and
 - (b) **communal or shared accommodation space** includes but is not limited to communal or shared toilets, bathrooms, laundries, kitchens and other cooking areas, hallways, foyers, decks, balconies, dining areas, recreation areas and storage areas.

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)**; 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)**; and
 - (e) subject to paragraph (f), the number of persons permitted in each indoor or outdoor communal or shared accommodation space at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor or outdoor communal or shared accommodation space (measured in square metres) by 4; and
 - (f) any dancefloor is operated in accordance with clause 18.

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**; 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, spas, saunas, steam rooms, and springs**

- (1) A person who owns, controls or operates a swimming pool, hydrotherapy pool, spa, sauna, steam room or spring in the State of Victoria may only operate the swimming pool, hydrotherapy pool, 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, spa, sauna, steam room or spring in the State of Victoria may operate the facility for private or personal use.

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

- (3) A person who owns, controls or operates a swimming pool, hydrotherapy pool, 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, spa, sauna, steam room or spring and facilities if:
 - (a) the number of persons permitted in each indoor space (including any water or non-water part) at any one time is limited to (with infants under one year of age not counting towards this limit) the number calculated by dividing the total area of the indoor space (measured in square metres) by 4; and
 - (b) the number of persons permitted in each outdoor space (including any water or non-water part) at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the outdoor space (measured in square metres) by 4; and
 - (c) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.
- (4) Despite subclause (3), a person who operates a swimming pool, hydrotherapy pool, spa, sauna, steam room or spring in the State of Victoria is not required to comply with the limits in subclause (3) if the swimming pool, hydrotherapy pool, spa, sauna, steam room or spring is 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.

Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational purposes if family and friends of students and staff are permitted to attend.

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 the number of persons permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
- (a) if the estate agent uses electronic record-keeping, the number permitted by the density quotient; and
 - (b) if the estate agent does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4.

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.

Tourism services by vehicle

- (2) A tourism operator who organises and operates tourism services in the State of Victoria may operate or permit a person to operate a vehicle for the purpose of tourism services to members of the public if the tourism operator and each person wears a **face covering** for the duration of the tourism services unless the tourism operator or member of the public is exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**.

Other tourism services

- (3) 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 if:
- (a) the number of persons permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the tourism operator uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the tourism operator does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and
 - (b) the tourism services are conducted in accordance with:
 - (i) these directions as they apply to an indoor space or outdoor space at the facility where the tourism services are being provided; and
 - (ii) otherwise, the **Stay Safe Directions (Victoria)**.

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.
- (3) A person who owns, controls or operates a creative arts facility in the State of Victoria may operate that facility for use by members of public if:
- (a) subject to paragraph (b), the number of persons permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and
 - (b) any dancefloor is operated in accordance with clause 18.
- (4) Despite subclause (3), a person who operates a creative arts facility for the purpose of providing an exclusive venue for the exclusive use of a single school outside school hours at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (3).

Note: a creative arts facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if family and friends of students and staff are permitted to attend.

18 Dancefloors

- (1) A person who owns, controls or operates any facility in the State of Victoria may only operate a dancefloor at the facility if the number of persons permitted on the dancefloor at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:
- (a) the number calculated by dividing the total area of the dance floor (measured in square metres) accessible to members of the public by 4; and
 - (b) 50.
- (2) Despite subclause (1), a person who operates a dancefloor at a facility for the purpose of providing an exclusive venue for the exclusive use of a single school outside school hours at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (1).

Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if family and friends of students and staff are permitted to attend.

19 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 (or a series of events):
 - (a) conducted on a one-off or periodic basis; and
 - (b) open to members of the public; and
 - (c) which 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; and
 - (e) which may be in a facility, venue or space where such an event (or a series of events) forms part of the routine operations, use, activities or services of the facility, venue or space; or
- (ii) an event (or series of events) deemed by the Victorian Government to be a State-critical public event (or a series of events),

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) an ad hoc or routine public gathering in a facility, venue or space which forms part of the ad hoc or routine operations, use, activities or services of the facility, venue or space;

Note: most public gatherings in a facility, venue or space (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)** 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, 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; 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.

20 **Emergency use and operations**

Nothing in these directions is intended to prevent or otherwise affect the operation of a facility in the State of Victoria where such use or operation is for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.

21 **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.

22 **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) **Care Facilities Directions** means the **Care Facilities Directions (No. 19)** as amended or replaced from time to time;
- (9) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (10) **childcare facility** means a facility providing a **childcare or early childhood service**;
- (11) **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;
- (12) **cleaned** has the same meaning as in the **Workplace Directions**;
- (13) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (14) **communal or shared space** has the meaning in clause 12(3);
- (15) **communal or shared accommodation space** has the meaning in clause 13(2);
- (16) **community facility** has the meaning in clause 7(2);
- (17) **COVID Marshal** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;
- (18) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (19) **creative arts facility** has the meaning in clause 17(2);
- (20) **density quotient** has the same meaning as in the **Workplace Directions**;
- (21) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 15)** as amended or replaced from time to time;
- (22) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (23) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (24) **disinfectant** means a disinfectant:
 - (a) the label of which states a claim by the manufacturer that the disinfectant has anti-viral properties; or
 - (b) made by a person according to instructions issued by the Department of Health and Human Services;
- (25) **electronic record-keeping** means record-keeping by electronic means, including an electronic booking system or registration system using a QR code, for the purpose of compliance with the **records requirement**;
- (26) **entertainment facility** has the meaning in clause 8(2);
- (27) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;

- (28) **face covering** has the same meaning as in the **Workplace Directions** ;
- (29) **food and drink facility** has the meaning in clause 12(2);
- (30) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (31) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**;
- (32) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (33) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (34) **hairdressing** has the same meaning as in the PHW Act;
- (35) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the PHW Act;
- (36) **hospital** has the same meaning as in the **Hospital Visitor Directions** ;
- (37) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 17)** as amended or replaced from time to time;
- (38) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (39) **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;
- (40) **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.*
- (41) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (42) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (43) **licensed premises** has the meaning in clause 11(2);
- (44) **member of the public**, in relation to a facility or venue, means a person other than:
- (a) a person who is an employee of an operator of the facility or venue; or
 - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (45) **nightclub** means a facility:
- (a) with a late night licence applies; and
 - (b) with a dancefloor; and
 - (c) which does not serve food prepared at the facility for consumption on the premises;
- (46) **non-seated indoor space** means an **indoor space**, where persons move through the facility and are not expected to remain seated and are unlikely to congregate;
- (47) **non-seated outdoor space** means an **outdoor space**, where persons move through the facility, are not expected to remain seated and are unlikely to congregate;
- Note: this can include settings such as outdoor animal facilities.*
- (48) **non-seated space** means a **non-seated indoor space** or a **non-seated outdoor space**;
- (49) **occupancy permit** means an occupancy permit issued in accordance with the **Building Act 1993**;
- (50) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;

- (51) **outdoor space** means a space that is not an **indoor space**;
- (52) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (53) **physical recreational facility** has the meaning in clause 5(2);
- (54) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (55) **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**;
- (56) **playground** means outdoor play equipment in a public park that is accessible to members of the public;
- (57) **premises** has the same meaning as in the PHW Act;
- (58) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (59) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (60) **records requirement** has the same meaning as in the **Workplace Directions**;
- (61) **residential aged care facility** has the same meaning as in the **Care Facilities Directions**;
- (62) **restricted activity period** has the meaning in clause 4;
- (63) **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;
- (64) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (65) **seated space** means a space with fixed seating;
- (66) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (67) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (68) **sexually explicit entertainment venue** means a venue at which **sexually explicit entertainment** is provided;
- (69) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (70) **staffed**, in relation to a facility or venue, means when a **worker** of the facility or venue is present in their capacity as a worker during the operating hours of the facility;
- (71) **State Library** means the State Library Victoria;
- (72) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 8)** as amended or replaced from time to time;
- (73) **tourism operator** means a person:
 - (a) granted a tour operator licence under:
 - (i) section 21B of the **Crown Land (Reserves) Act 1978**; or
 - (i) section 57F of the **Forests Act 1958**; or
 - (ii) section 140I of the **Land Act 1958**; or
 - (iii) section 27D of the **National Parks Act 1975**; or
 - (iv) section 21B of the **Wildlife Act 1975**;
 - (b) providing a tour of an **entertainment facility**;

- (74) **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;
- (75) **vehicle** has the same meaning as in the PHW Act;
- (76) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (77) **worker** has the same meaning as in the **Workplace Directions**;
- (78) **Workplace Directions** means the **Workplace Directions (No. 15)** as amended or replaced from time to time;
- (79) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

23 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 3 January 2021

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

Public Health and Wellbeing Act 2008

Section 200

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

I, Dr Clare Looker, Deputy 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 the State of 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, in accordance with these directions.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions replace the **Stay Safe Directions (Victoria) (No. 7)**:
 - (a) reduce the number of persons allowed at a private gathering; and
 - (b) require face coverings to be worn indoors.

2 Citation

These directions may be referred to as the **Stay Safe Directions (Victoria) (No. 8)**.

3 Revocation

The **Stay Safe Directions (Victoria) (No. 7)** are revoked at 11:59:00 pm on 3 January 2021.

4 Stay safe period

For the purposes of these directions, the **stay safe period** is the period beginning at 11:59:00 pm on 3 January 2021 and ending at 11:59:00 pm on 29 January 2021.

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), (8), (9) and (10); 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)**; and

- (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Victoria)** in accordance with any requirements set out in those directions.

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

*Note 2: if a person experiences a temperature higher than 37.5°C or symptoms of respiratory infection, they are strongly encouraged to get a test for SARS-CoV-2 and remain at their ordinary place of residence until they obtain their test result. If they are diagnosed with SARS-CoV-2, they must self-isolate in accordance with the **Diagnosed Persons and Close Contacts Directions**.*

Ordinary place of residence

- (3) Subject to subclause (4), subclause (1) does not apply to a person at any time during the stay safe period when the person:
- (a) no longer has an ordinary place of residence in the State of Victoria; or
 - (b) has an ordinary place of residence in the State of Victoria, but that place is temporarily unavailable or is unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the premises).
- (4) If a suitable premises is made available for a person identified in subclause (3) to reside at for the stay safe period (or part thereof), that premises is taken to be the person's ordinary place of residence for the stay safe period (or part thereof).
- (5) If a person's ordinary place of residence is outside the State of Victoria, the premises where that person is temporarily residing in the State of 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) Subject to subclause (9), a person may only leave the premises under subclause (1) if they:
- (a) carry a face covering at all times, except where subclause (8)(a), (b), (c) or (d) applies; and
 - (b) wear a face covering:
 - (i) while on **public transport** or in a **commercial passenger vehicle**; or

*Note: the **Restricted Activity Directions (Victoria)** permits a tourism operator (or another person) to operate a vehicle for the purpose of tourism services if the tourism operator and each person wears a face covering for the duration of the tourism service. In accordance with subclause (7)(b) below, the persons on such a tourism service vehicle must wear a face covering.*
 - (ii) 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); or
 - (iii) if they are a **diagnosed person** or a **close contact** and are leaving the premises:
 - (A) where they are required to self-isolate or self-quarantine; and

(B) prior to being given clearance from self-isolation or the period of self-quarantine ending,

in accordance with the **Diagnosed Persons and Close Contacts Directions**; or

(iv) if they have been tested for SARS-CoV-2 and are awaiting the results of that test (except where that test was part of a surveillance or other asymptomatic testing program); or

*Note: the **Workplace (Additional Industry Obligations) Directions** sets out surveillance testing requirements for relevant industries and workers.*

(v) if they are experiencing any symptoms of SARS-CoV-2; and

(c) 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.

(8) Subclause (7)(b) and (c) do not apply if a person complies with any other requirements under any other Directions currently in force and:

(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 in any indoor **physical recreational facility** and is engaged in any strenuous physical exercise; or

Examples: jogging, running, swimming, cycling.

(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 consuming food, drink or medicine; or

- (o) 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
- (p) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
- (q) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
- (r) 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.
- (s) for emergency purposes; or
- (t) required or authorised by law; or
- (u) doing so is not safe in all the circumstances.

Face covering requirements in airports

- (9) During the stay safe period, a person in the State of Victoria at an airport must:
 - (a) carry a face covering at all times, except where subclause (10)(a) or (b) applies; and
 - (b) wear a face covering while in an indoor space at an airport (whether or not such indoor space is accessible to members of the public); and
 - (c) wear a face covering where required to do so in accordance with any other Directions currently in force.
- (10) Subclause (9)(b) and (c) do not apply if a person complies with any other requirements under any other Directions currently in force and:
 - (a) the person is an infant or a child under the age of 12 years; or
 - (b) 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.
 - (c) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (d) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
 - (e) 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.
 - (f) the person is consuming food, drink or medicine; or
 - (g) 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
 - (h) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
 - (i) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or

- (j) the person is asked to remove the face covering to ascertain identity; or
Examples: a person may be asked by police, security, or airport staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
- (k) for emergency purposes; or
- (l) required or authorised by law; or
- (m) doing so is not safe in all the circumstances.

Note 1: 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.

Note 2: it is recommended that all persons on an aircraft flying into Victoria wear a face covering for the duration of the flight.

PART 3 – WORK

6 Leaving premises to attend work

A person who ordinarily resides in the State of Victoria may attend work (whether paid or voluntary, including for charitable or religious purposes) at a work premises if:

- (1) the person who has employed or engaged the person to work has advised that it is permissible for them to do so in accordance with the Directions currently in force; or
*Note: the **Workplace Directions** address how certain workplaces may facilitate the return of persons to onsite work.*
- (2) 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

- (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) 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)**; 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. Any regulation of access and visits to care facilities are contained in the Care Facilities 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 99 other persons (with any infant under one year of age not counting towards this limit) for a common purpose at a public place, except:

Note 1: under subclause (3), the limit on the number of people who may meet at any one time in a public place is 100.

Note 2: two or more groups of 100 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 a ceremony), provided it complies with any requirements of the **Restricted Activity Directions (Victoria)**; 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)**; 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 complies with any applicable requirements of the **Restricted Activity Directions (Victoria)**; and
 - (b) 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: the celebrant can enter the premises under subclause (2)(c) (work).

*Note: record-keeping requirements apply to weddings as set out in the **Workplace Directions**.*

- (5) The requirements for a funeral held in the State of Victoria are that:
- (a) it complies with any applicable requirements of the **Restricted Activity Directions (Victoria)**; and
 - (b) 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: the persons reasonably necessary for the conduct of the funeral can enter the premises under subclause (2)(c) (work).

*Note: record-keeping requirements apply to funerals as set out in the **Workplace Directions**.*

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**, 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 **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**, 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 Detention Notice, or in any approved form under a Direction currently in force or a 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) **airport** means an aerodrome at which facilities are available for the arrival or departure of aircraft into or from the State of Victoria;

- (2) **Care Facilities Directions** means **Care Facilities Directions (No. 19)** as amended or replaced from time to time;
- (3) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (4) **close contact** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (5) **commercial passenger vehicle** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;
- (6) **density quotient** has the same meaning as in the **Workplace Directions**;
- (7) **Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (8) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (9) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 15)** as amended or replaced from time to time;
- (10) **Directions currently in force** means the **Restricted Activity Directions (Victoria)**, the **Stay Safe Directions (Victoria)**, the **Diagnosed Persons and Close Contacts Directions**, the **Hospital Visitor Directions**, the **Care Facilities Directions**, the **Workplace Directions**, and the **Workplace (Additional Industry Obligations) Directions**, each as amended or replaced from time to time;
- (11) **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);
- (12) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 17)** as amended or replaced from time to time;
- (13) **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;
- (14) **market** means a public market, including a food market;
- (15) **market stall** means a stall within a **market**;
- (16) **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;
- (17) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (18) **physical recreational facility** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (19) **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;
- (20) **prison** has the same meaning as in the **Corrections Act 1986**;
- (21) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (22) **public transport** means a vehicle operated by a **passenger transport company** or by a **bus company** in the provision of a **public transport service**;
- (23) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;

- (24) **Restricted Activity Directions (Victoria)** means the **Restricted Activity Directions (Victoria) (No. 5)** as amended or replaced from time to time;
- (25) **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;
- (26) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (27) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 8)** as amended or replaced from time to time;
- (28) **stay safe period** has the meaning in clause 4;
- (29) **supermarket** has the same meaning as “supermarket business” in the **Food Act 1984**, including a **retail facility** (including in relation to liquor products) but excluding supermarket distribution and warehousing;
- (30) **vehicle** has the same meaning as in the PHW Act;
- (31) **visiting person** has the meaning in clause 7(2)(h);
- (32) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) (No. 15)** as amended or replaced from time to time;
- (33) **Workplace Directions** means the **Workplace Directions (No. 15)** as amended or replaced from time to time;
- (34) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (35) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (36) the following expressions have the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**:
- (a) bus company;
 - (b) passenger transport company;
 - (c) public transport service.

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 3 January 2021

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

Public Health and Wellbeing Act 2008

Section 200

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

Hospital Visitor Directions (No. 17)

I, Dr Clare Looker, Deputy 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. 16)**, 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. 17)**.
- (2) A reference in any other direction to the **Hospital Visitors Directions (No. 16)** is taken to be a reference to these directions.

3 Revocation

The **Hospital Visitor Directions (No. 16)** are revoked at 11:59:00 pm on 3 January 2021.

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 3 January 2021 and 11:59:00 pm on 29 January 2021 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 3 January 2021 and 11:59:00 pm on 29 January 2021 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**; 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**.*
 - (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; or
 - (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** 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 (3)(b)(i) or subclause (4)(b) as the case may be, must keep, in relation to each person to whom they give authorisation under that subclause, a record of:
- (a) the contact details of the person; and

- (b) the date and time at which that person entered and left the hospital, for at least 28 days from the day the authorisation is given.

5 Definition of worker

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

6 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) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 15)** as amended or replaced from time to time;
- (3) **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)).
- (4) **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;
- (5) **operator** of a hospital means a person who owns, controls or operates the hospital;
- (6) **parent, carer or guardian** in relation to a patient aged under 18 means an adult in a significant primary caring role, including biological, adoptive, or foster parents, kinship carers, step-parents and legal guardians;
- (7) **patient** of a hospital means a person who requests or is being provided with health, medical or pharmaceutical services by the hospital;
- (8) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
 - (a) disability;
 - (b) disability service;
 - (c) disability worker;
- (9) the following expressions have the same meanings as they have in the **Health Services Act 1988**:
 - (a) day procedure centre;
 - (b) denominational hospital;
 - (c) multi-purpose service;
 - (d) public hospital; 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 3 January 2021

DR CLARE LOOKER
Deputy Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act.

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM DEPUTY CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Care Facilities Directions (No. 19)**

I, Dr Clare Looker, Deputy 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. 18)**.

2 Citation

- (1) These directions may be referred to as the **Care Facilities Directions (No. 19)**.
- (2) A reference in any other direction to the **Care Facilities Directions (No. 18)** is taken to be a reference to these directions.

3 Revocation

The **Care Facilities Directions (No. 18)** are revoked at 11:59:00 pm on 3 January 2021.

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 3 January 2021 and 11:59:00 pm on 29 January 2021 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 3 January 2021 and 11:59:00 pm on 29 January 2021 if:

- (a) the person is required to self-isolate under the **Diagnosed Persons and Close Contacts Directions**; or
- (b) the person is required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; 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**.*

- (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 the 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 care 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 care facility or an **employee or contractor** in relation to the care facility; or
 - (b) the person's presence at the premises of the care facility is for the purposes of providing goods or services that are necessary for the effective operation of the care 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 care facility is for the purposes of providing any of the following goods or services to a resident of the care 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; or
 - (iii) functional and well-being support services; or
Examples: hairdressing, diversional and recreational therapies, music therapies.
 - (iv) other support services; or
 - (d) in the case of a disability residential service or an eligible SDA enrolled dwelling – the person's presence at the premises of the facility is for the purposes of providing treatment under a treatment plan to a resident of the facility, whether the treatment is provided for consideration or on a voluntary basis; or
 - (e) in the case of a secure welfare service – the person's presence at the premises of the facility is for the purposes of providing educational services to a resident of the facility, whether the goods or services are provided for consideration or on a voluntary basis; or
 - (f) the person's presence at the premises of the care 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 care 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**.

*Note: operators of care facilities are subject to additional obligations under the **Workplace (Additional Industry Obligations) Directions**.*

- (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** these directions apply, to the exclusion of the **Hospital Visitor Directions**, 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** and **Workplace (Additional Industry Obligations) Directions**.

9 Definitions

For the purposes of these directions:

- (1) **alcohol and drug residential service** means any of the following:
- a treatment centre within the meaning of the **Severe Substance Dependence Treatment Act 2010**;
 - 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;
 - 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) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 15)** as amended or replaced from time to time;
- (5) **disability residential service** means a residential service within the meaning of the **Disability Act 2006** and to avoid doubt, includes the facility called the Intensive Residential Treatment Program of the Statewide Forensic Service;
- Note: the Intensive Residential Treatment Program of the Statewide Forensic Service is often referred to as "DFATS".*
- (6) **eligible SDA enrolled dwelling** means a Specialist Disability Accommodation (SDA) enrolled dwelling that is provided under an SDA residency agreement within the meaning of section 498B of the **Residential Tenancies Act 1997**;
- (7) **end of life**, in relation to a **resident**:
- 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;
 - does not mean a situation where a resident has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the resident is expected to die within 12 months (except where the situation also falls within paragraph (a));
- (8) **employee or contractor**, in relation to a care facility, means a person employed or engaged as a contractor by the operator of the care facility, and includes a person who **provides labour hire services** to the operator of the care facility;

- (9) **flexible care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (10) **homelessness residential service** means a service that is funded by government to provide a staffed residential service to people who are homeless or at risk of being homeless;
- (11) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 17)** as amended or replaced from time to time;
- (12) **operator** of a care facility means:
- (a) for an **alcohol and drug treatment facility** – the operator of the facility;
 - (b) for a **homelessness residential service** – the entity that receives government funding to provide the service;
 - (c) for a **residential aged care facility** – the operator of the facility;
 - (d) for a **disability residential service** – the **disability service provider** that operates the service;
 - (e) for an **eligible SDA enrolled dwelling** – the **disability service provider** or the **registered NDIS provider** that operates the service;
 - (f) for a **short-term accommodation and assistance dwelling** – the **registered NDIS provider** or the **disability service provider** that operates the service;
 - (g) for a **secure welfare service** – the Secretary to the Department of Health and Human Services;
 - (h) for a **supported residential service** – the **proprietor** of the supported residential service;
 - (i) for the **Thomas Embling Hospital** – the **Victorian Institute of Forensic Mental Health**;
- (13) **proprietor** of a **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (14) **provides labour hire services** has the same meaning as in the **Labour Hire Licensing Act 2018**;
- (15) **registered NDIS provider** has the same meaning as in the **National Disability Insurance Scheme Act 2013** of the Commonwealth;
- (16) **resident** of a care facility includes a patient of the care facility;
- (17) **residential aged care facility** means premises at which accommodation and personal care or nursing care or both are provided to a person in respect of whom a **residential care subsidy** or a **flexible care subsidy** is payable under the **Aged Care Act 1997** of the Commonwealth;
- (18) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (19) **SARS-CoV-2 Symptoms** means symptoms consistent with SARS-CoV-2, including but not limited to the following:
- (a) a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°C (such as night sweats or chills);
 - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
 - (c) loss of smell;
 - (d) loss of taste;
- (20) **secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (21) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;

- (22) **Thomas Embling Hospital** means the hospital of that name operated by the **Victorian Institute of Forensic Mental Health**;
- (23) the following expressions have the same meaning as they have in the **Disability Act 2006**:
- (a) disability service provider;
 - (b) SDA enrolled dwelling;
 - (c) SDA provider;
 - (d) short-term accommodation and assistance dwelling;
 - (e) treatment plan;
- (24) **Victorian Institute of Forensic Mental Health** has the same meaning as in the **Mental Health Act 2014**;
- (25) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (15)** as amended or replaced from time to time;
- (26) **Workplace Directions** means the **Workplace Directions (No. 15)** as amended or replaced from time to time.

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 3 January 2021

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

Public Health and Wellbeing Act 2008

Section 200

DIRECTION FROM DEPUTY CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Diagnosed Persons and Close Contacts Directions (No. 15)**

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

1 Preamble

- (1) The purpose of these directions is to require persons:
 - (a) diagnosed with severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) to self-isolate;
 - (b) who are living with a **diagnosed person**, or who have been in close contact with a diagnosed person, to self-quarantine; in order to limit the spread of SARS-CoV-2.
- (2) These directions replace the **Diagnosed Persons and Close Contacts Directions (No. 14)**.

2 Citation

These directions may be referred to as the **Diagnosed Persons and Close Contacts Directions (No. 15)**.

3 Commencement and revocation

- (1) These directions commence at 11:59:00 pm on 3 January 2021.
- (2) The **Diagnosed Persons and Close Contacts Directions (No. 14)** are revoked at 11:59:00 pm on 3 January 2021.

4 Self-isolation for diagnosed persons

Who is a diagnosed person?

- (1) A person is a **diagnosed person** if the person:
 - (a) at any time between midnight on 25 March 2020 and 11:59:00 pm on 29 January 2021 has been informed that they have been diagnosed with SARS-CoV-2; and
 - (b) has not been given, or is not taken to have been given, **clearance from self-isolation** under clause 5.

Requirement to self-isolate

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

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

Location of self-isolation

- (3) A diagnosed person must self-isolate:
 - (a) if subclause (2)(a) applies, at the premises chosen by the person under subclause (4); or
 - (b) if subclause (2)(b) applies, at the premises at which the person was required to reside under a **Revoked Isolation Direction**.

- (4) For the purposes of subclause (3)(a), the diagnosed person may choose to self-isolate at:
- (a) a premises at which they ordinarily reside; or
 - (b) another premises that is suitable for the person to reside in for the purpose of self-isolation.

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

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

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

Self-isolation period

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

Notifications by the diagnosed person

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

5 Clearance from self-isolation

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

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

6 Self-quarantine for close contacts

Who is a close contact?

- (1) For the purposes of this clause, a person is a **close contact** if:
 - (a) an officer or nominated representative of the Department has made a determination under subclause (2) in relation to the person; and
 - (b) between midnight on 11 May 2020 and 11:59:00 pm on 29 January 2021, the person has been given notice of the determination in accordance with subclause (3).

- (2) For the purposes of subclause (1)(a), an officer or nominated representative of the Department may make a determination in relation to a person if the officer or nominated representative is satisfied, having regard to, and in accordance with, Departmental Requirements, that the person is a close contact for the purposes of the Departmental Requirements.

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

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

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

Requirement to self-quarantine

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

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

Location of self-quarantine

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

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

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

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

End of self-quarantine period

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

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

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

Exception — previous clearance

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

Review of determination and notice

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

Transitional provision — close contacts under Revoked Isolation Directions

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

Notifications by the close contact

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

7 Testing of persons in self-quarantine

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

Note: persons who are in self-quarantine and experience a temperature higher than 37.5 degrees or symptoms of acute respiratory infection are encouraged to get tested. In certain circumstances, a person may be required to comply with an order that they undergo a medical test: PHW Act, section 113(3).
- (2) If a person is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person receives a test result stating that they have been diagnosed with SARS-CoV-2, the person becomes a diagnosed person and must self-isolate under clause 4.
- (3) If a person is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person receives a test result stating that they have not been diagnosed with SARS-CoV-2, the person:
 - (a) if the period for which the person is required to self-quarantine under clause 6 has not expired – must continue to self-quarantine under that clause for the remainder of that period; or
 - (b) if the period of self-quarantine was extended under subclause (1) – may cease self-quarantining; or
 - (c) if the period of self-quarantine was extended under subclause (4) – may cease self-quarantining at the time referred to in clause 6(7)(a) and, if that time has already passed, may cease self-quarantining immediately.
- (4) If a person is required to self-quarantine under clause 6 because they are a close contact of a diagnosed person and the person refuses or otherwise fails to take a test for SARS-CoV-2 when offered on or about the eleventh day of their period of self-quarantine, the period of self-quarantine is extended until 10 days after the time specified in the notice given under clause 6(1)(b) as given or as varied under clause 6(9).

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

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

8 Requirements of self-isolation and self-quarantine

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

- (b) must not leave the premises, except:
 - (i) for the purposes of obtaining medical care or medical supplies; or
 - (ii) for the purposes of getting tested for SARS-CoV-2; or
 - (iii) in any emergency situation; or
 - (iv) if required to do so by law; or
 - (v) for the purposes of visiting a patient in hospital if permitted to do so under the **Hospital Visitor Directions**; or
 - (vi) for the purposes of working in a **care facility** if permitted to do so under the **Care Facilities Directions**; and
- (c) must not permit any other person to enter the premises unless:
 - (i) that other person:
 - (A) ordinarily resides at the premises; or
 - (B) is required to self-isolate or self-quarantine at the premises under these directions; or
 - (ii) it is necessary for the other person to enter for medical or emergency purposes; or
 - (iii) the other person is a **disability worker**, and it is necessary for the disability worker to enter for the purpose of providing a **disability service** to a person with a **disability**; or
 - (iv) it is necessary for the other person to enter for the purpose of providing personal care or household assistance to the person as a result of that person's age, disability or chronic health condition; or

Examples: personal care includes assistance with showering, toileting, eating; household assistance includes help with cooking, house cleaning, laundry and gardening.

- (v) the entry is otherwise required or authorised by law.

- (3) Subclause (2)(c) does not apply to a person who is a **resident** of a care facility.

*Note: the **Care Facilities Directions** govern who can enter a care facility.*

9 Exemption power

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

10 Definitions

In these directions:

- (1) **authorised officer** has the same meaning as in the **PHW Act**;
- (2) **Care Facilities Directions** means the **Care Facilities Directions (No. 19)** as amended or replaced from time to time;

- (3) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (4) **close contact** has the meaning in clause 6(1);
- (5) **Department** means the Victorian Department of Health and Human Services;
- (6) **Departmental Requirements** means the document titled ‘Case and contact management guidelines for health services and general practitioners’ available at www.dhhs.vic.gov.au/health-services-and-professionals-coronavirus-covid-19, as amended or reissued from time to time by the Victorian Government;
- (7) **clearance from self-isolation** has the meaning in clause 5(1);
- (8) **diagnosed person** has the meaning in clause 4(1);
- (9) **emergency powers** has the same meaning as in the **PHW Act**;
- (10) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (11) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 17)** as amended or replaced from time to time;
- (12) **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;
- (13) **resident of a care facility** has the same meaning as in the **Care Facilities Directions**;
- (14) **Revoked Isolation Directions** means the following directions:
 - (a) **Isolation (Diagnosis) Direction**, given on 25 March 2020;
 - (b) **Isolation (Diagnosis) Direction (No. 2)**, given on 13 April 2020;
 - (c) **Diagnosed Persons and Close Contacts Directions**, given on 11 May 2020;
 - (d) **Diagnosed Persons and Close Contacts Directions (No. 2)**, given on 31 May 2020;
 - (e) **Diagnosed Persons and Close Contacts Directions (No. 3)**, given on 21 June 2020;
 - (f) **Diagnosed Persons and Close Contacts Directions (No. 4)**, given on 1 July 2020;
 - (g) **Diagnosed Persons and Close Contacts Directions (No. 5)**, given on 15 July 2020;
 - (h) **Diagnosed Persons and Close Contacts Directions (No. 6)**, given on 19 July 2020;
 - (i) **Diagnosed Persons and Close Contacts Directions (No. 7)**, given on 22 July 2020;
 - (j) **Diagnosed Persons and Close Contacts Directions (No. 8)**, given on 3 August 2020;
 - (k) **Diagnosed Persons and Close Contacts Directions (No. 9)**, given on 13 August 2020;
 - (l) **Diagnosed Persons and Close Contacts Directions (No. 10)**, given on 16 August 2020;
 - (m) **Diagnosed Persons and Close Contacts Directions (No. 11)**, given on 13 September 2020;
 - (n) **Diagnosed Persons and Close Contacts Directions (No. 12)**, given on 11 October 2020;
 - (o) **Diagnosed Persons and Close Contacts Directions (No. 13)**, given on 8 November 2020;

- (p) **Diagnosed Persons and Close Contacts Directions (No. 14)**, given on 6 December 2020;
- (15) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
 - (a) disability;
 - (b) disability service;
 - (c) disability worker.

11 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Dated 3 January 2021

DR CLARE LOOKER
Deputy Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act.

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM DEPUTY CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**New South Wales Border Crossing Permit Scheme Directions (No. 6)**

I, Dr Clare Looker, Deputy Chief Health Officer, consider it reasonably necessary to eliminate or reduce the serious 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) These directions replace the **New South Wales Border Crossing Permit Scheme Directions (No. 5)** and:
 - (a) provide for persons working in agricultural and essential service industries to enter Victoria under a **border permit**; and
 - (b) provide for persons arriving from New South Wales to transit through Victoria to another State or a Territory to enter Victoria under a border permit; and
 - (c) clarify the urgent care reasons for which a person may enter Victoria without a border permit.in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.

2 Citation

These directions may be referred to as the **New South Wales Border Crossing Permit Scheme Directions (No. 6)**.

3 Commencement and revocation

- (1) The **New South Wales Border Crossing Permit Scheme Directions (No. 5)** are revoked at 11:59:00 pm on 3 January 2021.
- (2) These directions commence at 11:59:00 pm on 3 January 2021.

4 Restrictions on persons entering Victoria

Persons who have resided in, visited, been in or travelled through a hot zone or a red zone are required to self-isolate or self-quarantine in New South Wales

- (1) Subject to subclauses (2) to (8), a prohibited person must not enter Victoria unless the Chief Health Officer or Deputy Chief Health Officer (or an Executive Director or Director in the public health branch of the Department in relation to an exemption request under clause 6(3)(a)(ii)) has granted an exemption under clause 6.

Agricultural workers, commercial freight workers and essential service workers

- (2) Subject to the requirements in subclause (3), the following persons may enter Victoria from New South Wales:
 - (a) an **agricultural worker** who is required to enter and be physically present in Victoria to provide agricultural services provided under the **Agricultural Worker's Code**;
 - (b) a **commercial freight worker** who is required to enter and be physically present in Victoria for the purpose of providing commercial freight services;
 - (c) an **essential service worker** who is required to enter and be physically present in Victoria for the purpose of providing an **essential service**.

- (3) A person referred to in subclause (2) may only enter Victoria from New South Wales if:
- (a) the person carries, and presents on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) a border permit for that person including:
 - (A) the person's full name; and
 - (B) the person's contact phone number; and
 - (C) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, who are travelling with the person; and
 - (D) the address from which the person is departing when entering Victoria; and
 - (E) the address where the person ordinarily resides; and
 - (F) the date of entry into Victoria; and
 - (G) if applicable, any planned date of departure from Victoria; and
 - (H) an attestation by that person stating that (as at the date of attestation):
 - 1. the person (and any person under the age of 18 or other dependant travelling with the person):
 - (i) is not a **diagnosed person** or someone who has been in close contact with a diagnosed person; and
 - (ii) is not experiencing **SARS-CoV-2 Symptoms**; and
 - 2. the information in the border permit and attestation is true and correct; and
 - (ii) photographic personal identification including the address at which the person ordinarily resides (unless the person is under the age of 18); and
 - (b) the person is tested for SARS-CoV-2 on the seventh and fourteenth days after the day of the person's departure from New South Wales and provides documentary evidence that they have been tested to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) when requested to do so; and
 - (c) as applies to the person, the person only remains in Victoria for the period reasonably necessary to provide agricultural services, commercial freight services or an essential service and the person minimises contact with other persons; and
 - (d) unless the person remains at all times within a Cross Border Community area, the person self-quarantines at the premises at which they ordinarily reside or another premises that is suitable for the person to reside in for the purpose of self-quarantine for 14 days, commencing from when the person last left a hot zone or red zone, when not providing agricultural services, commercial freight services or an essential service (as applies to the person) and only leaves that premises:
 - (i) to obtain takeaway food and drink; or
 - (ii) to access toilet and bathroom facilities; or
 - (iii) to obtain medical care or supplies; or

- (iv) to get tested for SARS CoV-2; or
- (v) in an emergency situation; or
- (vi) if required to do so by law; and

Note: the person's place of accommodation or a truck cabin may be a premises suitable for the person to reside in for the purpose of self-quarantine.

- (e) the person wears a **face covering**, unless the person is exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**, in all indoor places and in all outdoor public places where the person is unable to practise **physical distancing**, and when in a vehicle if the person is in the vehicle with any other person with whom the person does not ordinarily reside at a private premises.

Note: a dependant of an agricultural worker, commercial freight worker or essential service worker eligible to enter Victoria under a border permit in accordance with subclauses (2) and (3) may under subclause (8) be accompanied by a dependent child under the age of 18 years or other dependent person, such as an adult with a disability, if the dependant is to receive emergency or essential medical care or other urgent care, provided the dependant complies with the requirements under subclauses (9) and (10) when in Victoria.

People transiting through New South Wales to Victoria from a State or Territory other than New South Wales

- (4) A person who resides in, or has visited, a State or Territory other than New South Wales, may only enter Victoria from New South Wales if:
 - (a) the person:
 - (i) has not been in New South Wales for the last 14 days, other than to transit to Victoria; and
 - (ii) has not had an overnight stay in New South Wales during transit to Victoria; and
 - (iii) minimises contact with other persons in New South Wales when transiting from the other State or Territory to Victoria (except in the case of emergency); and
 - (iv) keeps a record of each place they stopped in New South Wales when transiting through New South Wales to Victoria; and
 - (v) keeps a record of each place they stop at in Victoria until the person either transits through Victoria or arrives at their ordinary place of residence if that place is in Victoria; and
 - (vi) wears a face covering in all public places, unless the person is exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**; and
 - (b) the person carries, and presents on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) a border permit for that person including:
 - (A) the person's full name; and
 - (B) the person's contact phone number; and
 - (C) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, who are travelling with the person; and
 - (D) the address from which the person is departing when entering Victoria; and
 - (E) the address where the person ordinarily resides; and
 - (F) the date of entry into Victoria; and

- (G) if applicable, any planned date of departure from Victoria; and
- (H) an attestation by that person stating that (as at the date of attestation):
 1. the person (and any person under the age of 18 or other dependant travelling with the person):
 - (i) has not been in New South Wales for the last 14 days (other than to transit to Victoria); and
 - (ii) has not had an overnight stay in New South Wales during transit to Victoria; and
 - (iii) is not a diagnosed person or someone who has been in close contact with a diagnosed person; and
 - (iv) is not experiencing SARS-CoV-2 Symptoms; and
 2. the information in the border permit and attestation is true and correct; and
- (v) photographic personal identification including the address at which the person ordinarily resides (unless the person is under the age of 18); and
- (c) the person only remains in Victoria for the period reasonably necessary for the purpose they entered Victoria (unless Victoria is their normal place of residence) and minimises contact with other persons.

People arriving from New South Wales to transit through Victoria to another State or a Territory

- (5) Despite subclause (1), a prohibited person arriving from New South Wales may enter Victoria from New South Wales if:
 - (a) the person:
 - (i) minimises contact with other persons in Victoria whilst transiting through Victoria (except in the case of emergency); and
 - (ii) keeps a record of each place they stop at in Victoria when transiting through Victoria to another State or a Territory; and
 - (iii) wears a face covering in all public places, unless the person is exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the Stay Safe Directions (Victoria); and
 - (iv) practises physical distancing; and
 - (b) the person carries, and presents on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) a border permit for that person including:
 - (A) the person's full name; and
 - (B) the person's contact phone number; and
 - (C) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, who are travelling with the person; and
 - (D) the address from which the person is departing when entering Victoria; and
 - (E) the address where the person ordinarily resides; and
 - (F) the date of entry into Victoria; and
 - (G) the planned date of departure from Victoria; and

- (H) an attestation by that person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant travelling with the person):
 - 1. is not a diagnosed person or someone who has been in close contact with a diagnosed person; and
 - 2. is not experiencing SARS-CoV-2 Symptoms; and
 - 3. the information in the border permit and attestation is true and correct; and
- (ii) photographic personal identification including the address at which the person ordinarily resides (unless the person is under the age of 18); and
- (c) the person only remains in Victoria for the period reasonably necessary for the purpose of transiting through Victoria to another State or a Territory.

Cross Border Community Members

- (6) Despite subclause (1), a prohibited person may enter Victoria without a border permit if the person:
 - (a) is a Cross Border Community Member; and
 - (b) has not resided in, visited, been in, or travelled through, a hot zone or red zone or been required to self-isolate or self-quarantine in the State of New South Wales since 11 December 2020 or in the 14 days prior to the date of entry, or attempted entry, into Victoria (whichever is later); and
 - (c) has not resided in, visited, been in, or travelled through, the Blue Mountains City Council local government area or the Wollongong City Council local government area since 27 December 2020 or in the 14 days prior to the date of entry, or attempted entry, into Victoria (whichever is later); and
 - (d) has not resided in, visited, been in, or travelled through an area outside the Cross Border Community area in New South Wales since 31 December 2020 or in the 14 days prior to the date of entry into Victoria (whichever is later); and
 - (e) carries, and presents on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) proof that they are a Cross Border Community Member (unless the person is under the age of 18); and
*Note: proof that a person is a Cross Border Community Member will include a driver's licence or other document issued by the State of New South Wales, Victoria or any **municipal district**, local government area or unincorporated local government area (not including Lord Howe Island) identified at www.coronavirus.vic.gov.au/victorian-border-crossing-permit, including the address where the person ordinarily resides, for example, a current rates notice.*
 - (ii) photographic personal identification including the address where the person ordinarily resides (unless the person is under the age of 18).

Other reasons for a prohibited person to enter Victoria without a border permit

- (7) Despite subclause (1), a person may leave Victoria to travel along the Murray River but only if the person:
 - (a) does not set foot on the banks of the Murray River on the New South Wales side of the Murray River; and
 - (b) prohibits or prevents any person who resides in, visits, has been in or travelled through New South Wales (except for persons from the Cross Border Community area) from travelling on the Murray River with them or entering Victoria with them.

- (8) Despite subclause (1), a prohibited person may enter Victoria without a border permit:
- (a) to provide, receive or accompany a dependant who is to receive, emergency or essential medical care or other urgent care; or
Example: essential medical care includes medical care requiring continuity of treatment, such as chemotherapy or dialysis treatment.
Example: other urgent care may include essential care for a person with a disability or a dependant of a person, if there are no alternate care arrangements available, but does not include ordinary child-minding services.
 - (b) to provide or receive emergency services or to ensure the provision of telecommunications, critical infrastructure, essential prevention and recovery from emergencies and essential public services (including **emergency workers**, healthcare workers, care facility workers and child protection workers); or
Note: a prohibited person under paragraph (b) will be required to carry a letter from their employer evidencing the need for that worker to travel across the border.
 - (c) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
 - (d) if they are a **school** student travelling on a bus; or
 - (e) where the prohibited person remains on the same premises where that premises is both in the State of New South Wales and Victoria; or
 - (f) for purposes related to the administration of justice; or
Example: prison transfers.
 - (g) as required or authorised by law; or
 - (h) for the purposes of state security or **national security**.
- (9) For the avoidance of doubt, whenever a prohibited person is in Victoria, they are subject to the Directions currently in force.
- (10) Where a prohibited person enters Victoria in accordance with subclause (6)(a), (b), (c), (f), (g) or (h), they must:
- (a) only remain in Victoria for period necessary for the purpose (unless Victoria is their normal place of residence); and
 - (b) self-quarantine for 14 days if not performing the activity they were permitted entry for, except:
 - (i) where the prohibited person has not been in a part of New South Wales outside the Cross Border Community area; and
 - (ii) in relation to subclause (6)(c) (escaping harm), only where it is reasonably practicable to do so in all the circumstances); and
 - (c) wear a face covering when in public (over and above the Directions in force, unless the person is exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the Stay Safe Directions (Victoria)); and
 - (d) be tested for SARS-CoV-2 within 48 hours of arrival in Victoria and provide documentary evidence that they have been tested to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) when requested to do so.

5 Applications for a border permit

- (1) A prohibited person may apply for a border permit using a digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government.
- (2) An application for a border permit must contain all information reasonably required by the **Department** from time to time, for the purpose of protecting public health.

- (3) The Service Victoria CEO:
 - (a) may deliver a border permit to a prohibited person if clause 4(2) and (3) or (4) or (5) applies and the person makes an application under subclause (1) and the application complies with the requirements under subclause (2); and
 - (b) must provide a copy of the border permit to the Department; and
 - (c) will provide any information contained in an application to the Department on behalf of the prohibited person.
- (4) A border permit issued in accordance with clause 4(2) and (3) or (4) or (5) is only valid for 14 days from the date of entry into Victoria.
- (5) A person must not give information, or make a statement, in an application for a border permit that is false or misleading in a material particular.

6 Exemption power

- (1) A person is not required to comply with a requirement of these directions if the person is granted an exemption from that requirement under subclause (2).
- (2) The Chief Health Officer or Deputy Chief Health Officer (or an Executive Director or Director in the public health branch of the Department in relation to an exemption request under subclause 6(3)(a)(ii)) may exempt a person or a group of persons from any or all requirements contained in these directions, if satisfied that an exemption is appropriate, having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.
- (3) In circumstances where a prohibited person is seeking an exemption, before granting any exemption the Chief Health Officer or Deputy Chief Health Officer must consider:
 - (a) if the prohibited person is:
 - (i) lawfully permitted to leave the State of New South Wales in accordance with the laws in force in that jurisdiction; and
 - (ii) seeking to enter Victoria for the purposes of:
 - (A) attending a funeral or end of life event; or
 - (B) if a prohibited person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
 - (C) returning to the person's ordinary place of residence for health, wellbeing, care or compassionate reasons; or
 - (D) an emergency relocation; or
 - (E) military transfers; and
 - (b) documentary evidence provided by the prohibited person of:
 - (i) the circumstances described in paragraph (a); or
 - (ii) test results or other medical information in relation to that person, including a negative SARS-CoV-2 test result from within the preceding 72 hours of entering Victoria; or
Note: a Victorian returning to their ordinary place of residence may not need to be tested SARS-CoV-2 in New South Wales before entering Victoria but must be tested for SARS-CoV-2 within 48 hours of returning to Victoria.
 - (iii) directions or permissions given to that person from the State of New South Wales not to self-isolate or self-quarantine,
and any further documentary evidence requested by the Chief Health Officer or Deputy Chief Health Officer and provided by the prohibited person.

- (4) An exemption under subclause (2):
- (a) must:
 - (i) be given, in writing, to the person who is the subject of the exemption; and
 - (ii) specify the requirement or requirements that the person need not comply with; and
 - (b) may subject to additional or different conditions approved by the Chief Health Officer or Deputy Chief Health Officer.
- (5) An exemption granted to a person under this clause does not prevent an authorised officer from exercising an **emergency power** to give the person a different direction or impose a different requirement on the person.
- (6) A person granted an exemption under subclause (2) must:
- (a) only enter Victoria at a point of entry designated in the exemption; and
 - (b) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) the exemption; and
 - (ii) the person's photographic personal identification including the address at which the person ordinarily resides (unless the person is under the age of 18); and
 - (iii) where the person's ordinary place is not in Victoria, evidence that they have been tested for SARS-CoV-2 in accordance with paragraph (h); and

Note: a Victorian returning to their ordinary place of residence may not need to be tested SARS-CoV-2 in New South Wales before entering Victoria but must be tested for SARS-CoV-2 when they return to Victoria.
 - (c) undertake their proposed travel on the date set out in the exemption or within 3 days starting at midnight from the date of the person's proposed travel; and

Note: an exemption will expire if travel is not completed in accordance with paragraph (b) and the person must re-apply for a new exemption if they cannot travel within 3 days of their proposed travel date.
 - (d) travel directly:
 - (i) if the person is travelling by air, to the airport in New South Wales and remain at the airport until the person's flight; and
 - (ii) if the person is travelling by car, to the point of entry designated in the exemption to cross the border between Victoria and New South Wales; and
 - (iii) to the premises at which the person ordinarily resides or another premises that is suitable for the person to reside in for the purpose of self-quarantine in accordance with paragraph (e); and
 - (e) self-quarantine at the premises at which the person ordinarily resides or another premises that is suitable for the person to reside in for the purpose of self-quarantine for 14 days, and only leaves that premises:
 - (i) to return to New South Wales; or
 - (ii) to attend a specified event or place subject to any additional requirements in the exemption in relation to:
 - (A) the duration of time the person may spend at the event or place; and

- (B) whether other persons with whom the person does not ordinarily reside at a private premises can be present when the person visits; and
 - (C) if the person is permitted to attend a worksite, record keeping requirements of any worksite the person attends; or
 - (iii) to obtain medical care or supplies; or
 - (iv) to get tested for SARS CoV-2; or
 - (v) in an emergency situation; or
 - (vi) if required to do so by law; and
 - (f) wear a face covering when in public (over and above Directions in force, unless the person is exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**); and
 - (g) practise physical distancing; and
 - (h) be tested for SARS-CoV-2 within 48 hours of arrival in Victoria; and
 - (i) advise the Department immediately if they experience any SARS-CoV-2 Symptoms.
- (7) Any exemption granted under **New South Wales Border Crossing Permit Scheme Directions** or **New South Wales Border Crossing Permit Scheme Directions (No. 2)** or **New South Wales Border Crossing Permit Scheme Directions (No. 3)** or **New South Wales Border Crossing Permit Scheme Directions (No. 4)** or **New South Wales Border Crossing Permit Scheme Directions (No. 5)** continues to have effect.

7 Definitions

In these directions:

- (1) **agricultural worker** means a person providing agricultural services who is subject to the **Agricultural Workers' Code**;
- (2) **Agricultural Workers' Code** means the 'Agricultural Workers' Code for cross state border movement' published by the Australian Government on 4 September 2020, as amended from time to time;
- (3) **authorised officer** has the same meaning as in the PHW Act;
- (4) **border permit** means the written notice (digital or otherwise) provided under clause 5;
- (5) **cleared from self-isolation** has the meaning in the **Diagnosed Persons and Close Contacts Directions**;
- (6) **commercial freight worker** means a person providing commercial freight services who is a heavy vehicle driver, rail crew or a support worker and who is subject to the **Freight Code**;
- (7) **COVIDSafe Plan** means a COVIDSafe Plan described in clause 6(3) of the **Workplace Directions (No. 15)**;
- (8) **Cross Border Community Member** means a person ordinarily residing in a **municipal district**, local government area or unincorporated local government area (not including Lord Howe Island) adjacent to or in close proximity to the border between the State of New South Wales and Victoria as detailed on the Department's website available at: www.coronavirus.vic.gov.au/victorian-border-crossing-permit;
- (9) **Department** means the Victorian Department of Health and Human Services;

- (10) **diagnosed person** means a person who at any time between midnight on 11 December 2020 and 11:59:00 pm on 29 January 2021 has been informed that they have been diagnosed with SARS-CoV-2 (but does not include a person who has been medically assessed as non-infectious and cleared by a medical practitioner and/or **cleared from self-isolation**);
- (11) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 15)** as amended from time to time;
- (12) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (13) **emergency powers** has the same meaning as in the PHW Act;
- (14) **emergency worker** has the same meaning as in the **Sentencing Act 1991**;
- (15) **essential service** has the same meaning as in the **Essential Services Act 1958**;
- (16) **essential service worker** means a person employed to provide an **essential service**;
- (17) **face covering** has the meaning in the **Stay Safe Directions (Victoria)**;
- (18) **Freight Code** means the ‘Freight Movement Code for the Domestic Border Controls – Freight Movement Protocol’ published by the Australian Government on 7 August 2020, as amended from time to time;
- (19) **green zone** means any part of the State of New South Wales other than the **hot zone** or **red zone**;
- (20) **hot zone** means any location that people have resided in, visited, been in or travelled through that has been assessed as very high risk for SARS-CoV-2 transmission in the State of New South Wales, as detailed on the Department’s website available at www.coronavirus.vic.gov.au/victorian-border-crossing-permit, as amended from time to time by the Victorian Government;
- (21) **municipal district** has the same meaning as in the **Local Government Act 1989**;
- (22) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (23) **physical distancing** means the practice of physically maintaining a distance, where it is reasonably practicable to do so, of at least 1.5 metres from any other person except those persons with whom a person ordinarily resides at a private premises;
- (24) **prohibited person** means a person who has resided in, visited, been in, or travelled through a **hot zone** or a **red zone**, a **green zone** and/or is required to self-isolate or self-quarantine in the State of New South Wales in the 14 days prior to the entry, or attempted entry, into Victoria, or has resided in, visited, been in, or travelled through, the Blue Mountains City Council local government area or the Wollongong City Council local government area since 27 December 2020 or in the 14 days prior to the date of entry, or attempted entry, into Victoria (whichever is later), but does not include:
- (a) a person who is domestic flight crew and resides in a red zone (but not the hot zone), provided that the person wears a **face covering**, unless the person is exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**, during each flight to and from Victoria and otherwise complies with all airline requirements and airline **COVIDSafe Plan** whilst in Victoria; or
- (b) a person who is domestic flight crew and resides outside New South Wales, provided that the person wears a face covering, unless the person is exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**, during each flight to and from Victoria and otherwise complies with all airline requirements and airline **COVIDSafe Plan** whilst in New South Wales and Victoria; or

- (c) a person who is domestic flight crew who:
 - (i) has not been in a hot zone; and
 - (ii) wears a face covering, unless the person is exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**, during each flight to and from Victoria and when travelling between the designated crew hotel and an airport; and
 - (iii) travels directly by private transport between the designated crew hotel and any airport of arrival or departure; and
 - (iv) does not leave the designated crew hotel other than to travel travel to the airport of departure or in an emergency; and
 - (v) otherwise complies with all airline requirements and airline COVIDSafe Plan whilst in New South Wales and Victoria;
- (d) a person arriving by aircraft at and transiting through an airport in a red zone, provided that such person does not leave the airport until their flight; or
Note: it is recommended that such a person wears a face covering during such travel.
- (e) a person whose ordinary place of residence is in Victoria travelling from hotel quarantine in New South Wales to Victoria through a red zone:
 - (i) to an airport in a red zone, provided that such a person travels directly to the airport, does not leave the airport until their flight and wears a face covering, unless the person is exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**, during the flight to Victoria; or
Note: the Stay Safe Directions (Victoria) contain requirements for the wearing of a face covering in an airport terminal.
 - (ii) by car, provided that such a person:
 - (A) minimises contact with other persons in New South Wales when transiting from hotel quarantine to Victoria (except in the case of emergency); and
 - (B) practises **physical distancing**; and
 - (C) keeps a record of each place they stopped in New South Wales when transiting through New South Wales to Victoria; and
 - (D) keeps a record of each place they stop at in Victoria until the person either transits through Victoria or arrives at their ordinary place of residence if that place is in Victoria; and
 - (E) wears a face covering in all public places, unless the person is exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the Stay Safe Directions (Victoria),

provided that the the person carries, and presents on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) evidence satisfactory to the requesting person of the person's completed hotel quarantine in New South Wales;

- (25) **red zone** means any location that people have resided in, visited, been in or travelled through that has been assessed as high risk for SARS-CoV-2 transmission in the State of New South Wales, as detailed on the Department's website available at www.coronavirus.vic.gov.au/victorian-border-crossing-permit, as amended from time to time by the Victorian Government;

Note: the entire State of New South Wales has been in the red zone from 11:59:00 pm on 1 January 2020.

- (26) **SARS-CoV-2 Symptoms** means symptoms consistent with SARS-CoV-2, including but not limited to the following:
- (a) a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°C (such as night sweats, chills);
 - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
 - (c) loss of smell;
 - (d) loss of taste;
- (27) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (28) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 8)** as amended from time to time;
- (29) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**.

8 Penalties

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

False or misleading information

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

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

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

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

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

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

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

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

- (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) \$1,652 in the case of a natural person; or
 - (b) \$9,913 in the case of a body corporate; or
 - (c) \$4,957 if the contravention of these directions is constituted by refusing or failing to comply with a requirement to self-isolate or self-quarantine.
- (4) Additionally, a person who fails to comply with these directions may in certain circumstances be liable to prosecution under the PHW Act for the maximum penalties outlined in subclause (2).

Dated 3 January 2021

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

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