



# Victoria Government Gazette

No. S 20 Tuesday 12 January 2021  
By Authority of Victorian Government Printer

## Public Health and Wellbeing Act 2008 Section 200

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

#### Victorian Border Crossing Permit Directions

I, Adjunct Clinical Professor Brett Sutton, 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 and Queensland Border Crossing Scheme Directions** and create a new ‘traffic light’ border crossing scheme for persons seeking to enter Victoria from other States and the Territories, 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 **Victorian Border Crossing Permit Directions**.

#### 3 Commencement, revocation and transitional provisions

- (1) The **New South Wales and Queensland Border Crossing Scheme Directions** are revoked at 5:59:00 pm on 11 January 2021.
- (2) These directions commence at 5:59:00 pm on 11 January 2021.
- (3) Any permit issued under a **revoked Border Crossing Permit Scheme Direction** continues to have effect until the validity period expires under the **revoked Border Crossing Permit Scheme Direction**.

*Note: a person who has a permit under previous directions may continue to enter Victoria under that permit.*

- (4) Any request for exemption submitted under a **revoked Border Crossing Permit Scheme Direction** continues to have effect.

*Note: a person who has made a request for exemption under previous directions will be contacted to confirm whether or not the request for exemption is still required.*

- (5) Any exemption granted under a **revoked Border Crossing Permit Scheme Direction** continues to have effect.

#### 4 Restrictions on persons entering Victoria

- (1) A **prohibited person** must not enter Victoria from any other State or a Territory unless the prohibited person:
  - (a) has a valid **transit permit** under clause 8; or
  - (b) has a valid **specified worker permit** under clause 9(3); or
  - (c) has a valid **freight worker permit** under clause 9(4); or
  - (d) is an **excepted person** under clause 11; or
  - (e) has a valid exemption under clause 3(5) or 12.
- (2) A **restricted person** must not enter Victoria from any other State or a Territory unless the restricted person:
  - (a) has a valid **green zone permit** under clause 5; or
  - (b) has a valid **orange zone permit** under clause 6; or
  - (c) is a **cross border community member** under clause 7; or
  - (d) has a valid transit permit under clause 8; or

**SPECIAL**

- (e) has a valid specified worker permit under clause 9(3); or
- (f) has a valid freight worker permit under clause 9(4); or
- (g) is an excepted person under clause 11; or
- (h) has a valid exemption under clause 3(5) or 12.

## 5 Green zone permit

### *Eligibility*

- (1) Subject to the requirements in subclause (2), the following restricted persons may enter Victoria from any other State or a Territory:
  - (a) a person who has not been in a red zone or orange zone in the 14 days prior to entry; or
  - (b) a person who has been in a red zone or orange zone in the 14 days prior to entry only for the purpose of:
    - (i) completing the required period of **hotel quarantine** in any other State or a Territory immediately followed by direct and **short term transit** through a red zone or orange zone to Victoria; or
    - (ii) direct and short term transit through a red zone or orange zone to Victoria.
- (2) A restricted person referred to in subclause (1)(b) is permitted to enter Victoria if in transiting to Victoria the restricted person has:
  - (a) travelled directly from their place of departure to Victoria and:
    - (i) if they travelled by air, the person has travelled directly from their place of departure to the airport and did not leave the airport until departure to Victoria; and
    - (ii) if they travelled by sea, the person travelled directly from their place of departure to the seaport and did not leave the seaport until departure for Victoria; and
    - (iii) if they travelled by rail, the person travelled directly from their place of departure to the railway station and did not leave the railway station until departure for Victoria; and
    - (iv) if they travelled by road, the person travelled directly from their place of departure to the vehicle and did not leave the vehicle until departure for Victoria; and
  - (b) practised physical distancing when in a red zone or orange zone; and
  - (c) kept detailed records of each place they stop (including accommodation) in a red zone; and
    - (i) wore a face covering at all times in all:
      - (A) indoor public places; and
      - (B) outdoor public spaces (where it is not practicable to practise physical distancing); and
      - (C) vehicles, if the if the restricted person or prohibited person is in a vehicle with any other person (unless the other person ordinarily resides with the person),  
 unless the person was exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**; and
    - (ii) if applicable, wore a face covering at all times during any flight to Victoria unless the person was exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**.

*Requirements for entry*

- (3) A restricted person referred to in subclause (1) may enter Victoria from any other State or a Territory if the restricted person:
- (a) has a valid green zone permit which includes:
    - (i) the person's full name; and
    - (ii) the person's contact phone number; and
    - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
    - (iv) the address from which the person is departing when entering Victoria; and
    - (v) the current address where the person ordinarily resides; and
    - (vi) the date of entry into Victoria; and
    - (vii) if applicable, any planned date of departure from Victoria; and
    - (viii) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):
      - (A) has not been in a red zone or orange zone in the past 14 days, or has been in a red zone or orange zone in the past 14 days but only for the purpose of:
        - (i) completing the required period of hotel quarantine in any other State or a Territory immediately followed by direct and short term transit through a red zone or orange zone to Victoria; or
        - (ii) direct and short term transit through a red zone or orange zone to Victoria,
  - whilst complying with the conditions set out in clause 5(2); and
  - (B) is not a diagnosed person or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in any State or Territory; and
  - (C) is not experiencing SARS-CoV-2 symptoms; and
  - (D) has provided information in the permit that is true and correct; and
  - (E) will not re-enter Victoria using a valid green zone permit, if they have entered a red zone or an orange zone in the 14 days preceding the attempted re-entry, other than where subclause (1) (viii)(A)(i) or (ii) applies; and
  - (F) will comply with the conditions in subclause (4).

*Obligations after entry*

- (4) A restricted person who enters Victoria under subclause (1) must:
- (a) 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) a valid green zone permit; and
    - (ii) photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and

*Example: photographic personal identification includes a driver's licence issued by any State or Territory or a passport issued by Australia. Evidence of the current address where the person ordinarily resides includes a driver's licence or any other document issued by any State or Territory or any **municipal district**, local government area or unincorporated local government area (not including Lord Howe Island), including a rates notice.*

- (iii) if the restricted person has entered Victoria in accordance with subclause (1)(b)(i) (after completing the required period of hotel quarantine in any other State or a Territory), documentary evidence that the person has completed hotel quarantine in any other State or a Territory; and
- (b) comply with all Directions currently in force; and
- (c) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms.

*Validity and revocation*

- (5) A green zone permit:
  - (a) is valid for 14 days from the date the restricted person first enters Victoria (unless revoked earlier); and
  - (b) may be used by the restricted person to enter Victoria multiple times during the validity period in paragraph (a); and
  - (c) is revoked immediately if the restricted person enters a red zone or orange zone after the delivery of the permit, or has been in a red zone or orange zone in the 14 days preceding the date of issue of the green zone permit.

## 6 Orange zone permit

*Eligibility*

- (1) Subject to the requirements in subclause (2), the following restricted persons may enter Victoria from any other State or a Territory:
  - (a) a person who has not been in a red zone in the 14 days prior to entry; or
  - (b) a person who has been in a red zone in the 14 days prior to entry only for the purpose of direct and short term transit through a red zone to Victoria.
- (2) A restricted person referred to in subclause (1)(b) is permitted to enter Victoria if in transiting to Victoria the restricted person has:
  - (a) practised physical distancing when in a red zone; and
  - (b) kept detailed records of each place they stop (including accommodation) in a red zone; and
    - (i) wore a face covering at all times in all:
      - (A) indoor public places; and
      - (B) outdoor public spaces (where it is not practicable to practise physical distancing);
      - (C) vehicles, if the restricted person or prohibited person is in a vehicle with any other person (unless the other person ordinarily resides with the person),  
 unless the person was exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**; and
  - (c) if applicable, worn a face covering at all times during any flight to Victoria unless the person was exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**.

*Requirements for entry*

- (3) A restricted person referred to in subclause (1) may enter Victoria from any other State or a Territory if the restricted person:
- (a) has a valid orange zone permit which includes:
    - (i) the person's full name; and
    - (ii) the person's contact phone number; and
    - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
    - (iv) the address from which the person is departing when entering Victoria; and
    - (v) the current address where the person ordinarily resides; and
    - (vi) the date of entry into Victoria; and
    - (vii) if applicable, any planned date of departure from Victoria; and
    - (viii) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):
      - (A) has not been in a red zone in the past 14 days, or has been in a red zone in the past 14 days but only for the purpose of direct and short term transit through a red zone to Victoria, whilst complying with the conditions set out in clause 6(2); and
      - (B) is not a diagnosed person or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in any State or Territory; and
      - (C) is not experiencing SARS-CoV-2 symptoms; and
      - (D) has provided information in the permit that is true and correct; and
      - (E) will comply with the conditions in subclause (5).

*Obligations after entry*

- (4) A restricted person who enters Victoria under subclause (1) must:
- (a) 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) a valid orange zone permit; and
    - (ii) photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and
  - (b) get tested for SARS-CoV-2 within 72 hours of the time the restricted person first enters Victoria; and
  - (c) travel immediately and directly to, and 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 until the person receives a negative SARS-CoV-2 test result; and
  - (d) reside at the premises described in paragraph (c) and not leave the premises except:
    - (i) to obtain medical care or medical supplies; or
    - (ii) to get tested for SARS-CoV-2; or

- (iii) in an emergency situation; or
  - (iv) if required to do so by law,
- during the period of self-quarantine under paragraph (c); and
- (e) if the person leaves the premises described in paragraph (c) in accordance with paragraph (d), wear a face covering in all:
    - (i) indoor public places; and
    - (ii) outdoor public places where the person is unable to practise physical distancing; and
    - (iii) vehicles, if the restricted person or prohibited person is in a vehicle with any other person (unless the other person ordinarily resides with the person),
 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
  - (f) comply with all Directions currently in force; and
  - (g) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms.

*Validity and revocation*

- (5) An orange zone permit:
  - (a) is valid for 14 days from the date the restricted person first enters Victoria (unless revoked earlier); and
  - (b) may only be used once by a restricted person to enter Victoria during the validity period in paragraph (a); and
  - (c) is revoked immediately if the restricted person enters a red zone after the delivery of the permit.

**7 Cross border community members**

- (1) Despite clauses 5 and 6, a restricted person or prohibited person may enter Victoria from a **cross border community area** without a permit if the restricted person or prohibited person:
  - (a) is a **cross border community member**; and
  - (b) is not a diagnosed person or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in any State or Territory; and
  - (c) is not experiencing SARS-CoV-2 symptoms; and
  - (d) if the person has been in an orange zone outside of the cross border community area in the 14 days before the person enters Victoria, the person has been tested for SARS-CoV-2 since they last left the orange zone and received a negative result; and
  - (e) has not been in a red zone outside of the cross border community area in the 14 days before the person enters Victoria.
- (2) A cross border community member who enters Victoria under subclause (1) must:
  - (a) 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) proof that the person is a cross border community member (unless the person is under the age of 18); and
    - (ii) photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and

*Example: photographic personal identification includes a driver's licence issued by Victoria or New South Wales or a passport issued by Australia. Evidence of the current address where the person ordinarily resides includes a driver's licence issued by Victoria or New South Wales or any other document issued by a municipal district, local government area or unincorporated local government area (not including Lord Howe Island), including a rates notice.*

- (b) comply with all Directions currently in force; and
- (c) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms.

## 8 Aircrew

- (1) Despite clauses 5 and 6, a prohibited person or a restricted person who is an **aircrew services worker** may enter Victoria from any other State or a Territory if the person:
  - (a) subject to subclause (2), whose ordinary place of residence is outside of Victoria and within a designated red zone or orange zone, and is required to enter and be physically present in Victoria for the purpose of providing aircrew services; or
  - (b) subject to subclause (3), whose ordinary place of residence is outside of Victoria and within a designated green zone, is required to enter and be physically present in Victoria for the purpose of providing aircrew services; or
  - (c) subject to subclause (4), whose ordinary place of residence is in Victoria (but is required to enter and be physically present in any other State or a Territory for the purpose of providing aircrew services) for the purpose of returning to their ordinary place of residence in Victoria; and
  - (d) is not a diagnosed person or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in any State or Territory; and
  - (e) is not experiencing SARS-CoV-2 Symptoms.
- (2) An aircrew services worker who enters Victoria under subclause (1) must:
  - (a) wear a face covering during each flight to and from Victoria and when travelling between the designated crew hotel and the airport (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) travel directly by private transport between the designated crew hotel and any airport of arrival or departure; and
  - (c) not leave the designated crew hotel other than:
    - (i) to travel to the airport of departure; or
    - (ii) in an emergency; and
  - (d) otherwise comply with relevant airline requirements and airline **COVIDSafe Plans** whilst in Victoria and in any other State or a Territory.
- (3) An aircrew services worker who enters Victoria under subclause (1)(b) must comply with their respective airline's COVIDSafe Plan while travelling to and from a red zone or orange zone.
- (4) An aircrew services worker who enters Victoria under subclause (1)(c), who travels to or from a designated red zone or orange zone must:
  - (a) travel directly by private transport between the designated crew hotel and any airport of arrival or departure; and
  - (b) not leave the designated crew hotel whilst in the red zone or orange zone, other than:
    - (i) to travel to the airport of departure; or
    - (ii) in an emergency; and

- (c) otherwise comply with relevant airline requirements and airline COVIDSafe Plans whilst in Victorian and in any other State or a Territory.

## 9 Transit through Victoria

- (1) Despite clauses 5 and 6, a restricted person whose ordinary place of residence is not in Victoria may enter Victoria from any other State or a Territory if:
  - (a) the person is required to enter and be physically present in Victoria for the purpose of direct and short term transit through Victoria by air, sea, rail or road; and
  - (b) the person has a valid transit permit which includes:
    - (i) the person's full name; and
    - (ii) the person's contact phone number; and
    - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
    - (iv) the address from which the person is departing when entering Victoria; and
    - (v) the current address where the person ordinarily resides; and
    - (vi) the date of entry into Victoria; and
    - (vii) if applicable, any planned date of departure from Victoria; and
    - (viii) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):
      - (A) is entering Victoria for purpose of direct and short term transit through Victoria by air, sea, rail or road; and
      - (B) is not a diagnosed person or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in any State or Territory; and
      - (C) is not experiencing SARS-CoV-2 symptoms; and
      - (D) has provided information in the permit that is true and correct; and
      - (E) will comply with the conditions in subclause (2) and (3) (as applicable).
- (2) A restricted person who enters Victoria under subclause (1) must:
  - (a) 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) a valid transit permit; and
    - (ii) photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and
 

*Example: photographic personal identification includes a driver's licence issued by any State or Territory or a passport issued by Australia. Evidence of the current address where the person ordinarily resides includes a driver's licence or any other document issued by any State or Territory or any municipal district, local government area or unincorporated local government area (not including Lord Howe Island), including a rates notice.*
  - (b) comply with all Directions currently in force; and
  - (c) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms.

- (3) Without limiting subclause (2), if a restricted person has been in a red zone or orange zone in the 14 days before the person enters Victoria, must:
  - (a) minimise contact with other persons in Victoria (except in an emergency); and
  - (b) practise physical distancing; and
  - (c) keep detailed records of each place they stop (including accommodation) in Victoria; and
  - (d) wear 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
  - (e) if applicable, wear a face covering during each flight to Victoria 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)**.
- (4) A transit permit:
  - (a) is valid for 24 hours from the time and date the restricted person or prohibited person first enters Victoria (unless revoked earlier); and
  - (b) may only be used once by a restricted person or prohibited person to enter Victoria during the validity period in paragraph (a).

## 10 Specified workers

### *Specified worker permit*

- (1) Despite clauses 5 and 6, a prohibited person or a restricted person who is a **specified worker** may enter Victoria from any other State or a Territory if:
  - (a) the person is a specified worker and required to enter and be physically present in Victoria for the purpose of providing **specified work**; or

*Note: the list of specified workers who can apply for a specified worker permit is available on the Department's website – <https://www.coronavirus.vic.gov.au/travellers-eligible-apply-permit-under-permitted-workers-categories>.*
  - (b) the person's ordinary place of residence is in Victoria (but such person is required to enter and be physically present in any other State or a Territory for the purpose of providing specified work) and the person is entering Victoria for the purpose of returning to their ordinary place of residence in Victoria; and
  - (c) the person has a valid specified worker permit which includes:
    - (i) the person's full name; and
    - (ii) the person's contact phone number; and
    - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
    - (iv) the address from which the person is departing when entering Victoria; and
    - (v) the current address where the person ordinarily resides; and
    - (vi) the date of entry into Victoria; and
    - (vii) if applicable, any planned date of departure from Victoria; and
    - (viii) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):
      - (A) is an specified worker and is entering Victoria for the relevant purpose in paragraph (a) or (b); and

- (B) is not a diagnosed person or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in any State or Territory; and
  - (C) is not experiencing SARS-CoV-2 symptoms; and
  - (D) has provided information in the permit that is true and correct; and
  - (E) will comply with the conditions in subclause (2).
- (2) A restricted person or prohibited person who enters Victoria under subclause (1) must:
- (a) 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) a valid specified worker permit; and
    - (ii) photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and
  - (b) unless the person's ordinary place of residence is in Victoria, only remain in Victoria for the period reasonably necessary to provide the specified work; and
  - (c) subject to paragraph (d), get tested for SARS-CoV-2 at least once every 7 days during each specified worker permit validity period in subclause (3); and
 

*Note: nothing in paragraph (c) is intended to require a person to be tested for SARS-CoV-2 more than twice in any 14 day period, including where a person enters Victoria more than once in any 14 day period.*
  - (d) if the person is a worker at an **offshore petroleum or gas storage facility** who cannot reasonably get tested for SARS-CoV-2 while working, within 72 hours of the time the restricted person first enters Victoria during each specified worker permit validity period in subclause (3); and
  - (e) if the person is:
    - (i) a restricted person and has been in an orange zone in the 14 days before the person enters Victoria and has not received a negative SARS-CoV-2 test result since last entering Victoria; or
    - (ii) a prohibited person and has been in a red zone in the 14 days before the person enters Victoria; and
    - (iii) has not received a negative SARS-CoV-2 test result since last entering Victoria:
      - (A) carry and provide documentary evidence that the person has been tested in accordance with paragraph (b) and (c) (including evidence of the person's most recent test) 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
      - (B) minimise contact with other persons;
      - (C) only if the restricted person or prohibited person has also been outside a **cross border community area**:
        1. travel immediately and directly to, and 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, commencing from the date the person was last outside the **cross border community area**; and

2. reside at the premises described in sub-subparagraph (C) (1) and not leave the premises except:
  - (1) to undertake the relevant purpose in subclause (1) (a); or
  - (2) to obtain takeaway food and drink; or
  - (3) to access toilet and bathroom facilities; or
  - (4) to get tested for SARS-CoV-2; or
  - (5) in an emergency situation; or
  - (6) if required to do so by law; or
  - (7) to leave Victoria,

during the period of self-quarantine under sub-subparagraph (C) (1); and

3. wear a face covering in all:
  - (1) indoor public places; and
  - (2) outdoor public places where the person is unable to practise physical distancing; and
  - (3) vehicles, if the restricted person or prohibited person is in a vehicle with any other person (unless the other person ordinarily resides with the person),

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)**.

*Note: a specified worker may 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 subclause (2) whilst in Victoria.*

- (3) A specified worker permit:
  - (a) is valid for 14 days from the date the restricted person or prohibited person first enters Victoria (unless revoked earlier); and
  - (b) may be used by a restricted person or prohibited person to enter Victoria multiple times during the validity period in paragraph (a).

*Commercial freight workers*

- (4) Despite clauses 5 and 6, a prohibited person or a restricted person who has been in an orange zone in the 14 days before the restricted person enters Victoria, and who is a **commercial freight worker**:
  - (a) who is required to enter and be physically present in Victoria for the purpose of providing commercial freight services; or
  - (b) whose ordinary place of residence is in Victoria (but such person is required to enter and be physically present in any other State or Territory for the purpose of providing commercial freight services) and the person is entering Victoria the purpose of returning to their ordinary place of residence in Victoria, may enter Victoria from any other State or a Territory if:
    - (c) during all times the person has been in an orange zone in the 14 days before the person enters Victoria, the person:
      - (i) has not carried any person as a passenger in the vehicle, other than for the purpose of providing commercial freight services; and

- (ii) has minimised contact with other persons (except in cases of emergency); and
  - (iii) has practised physical distancing; and
  - (d) during all times the person has been in a red zone in the 14 days before the person enters Victoria, the person:
    - (i) has not carried any person as a passenger in the vehicle, other than for the purpose of providing commercial freight services; and
    - (ii) has kept detailed records of all travel and each place they stop (including accommodation); and
    - (iii) has worn a face covering at all times in all:
      - (A) indoor public places; and
      - (B) outdoor public places; and
      - (C) vehicles, if the restricted person or prohibited person is in a vehicle with any other person (unless the other person ordinarily resides with the person); and
    - (iv) has minimised contact with other persons (except in cases of emergency); and
    - (v) has practised physical distancing; and
  - (e) the person has a valid freight worker permit which includes:
    - (i) the person's full name;
    - (ii) the person's contact phone number; and
    - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
    - (iv) the address from which the person is departing when entering Victoria; and
    - (v) the current address where the person ordinarily resides; and
    - (vi) the date of entry into Victoria; and
    - (vii) if applicable, any planned date of departure from Victoria; and
    - (viii) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):
      - (A) is a commercial freight worker and is entering Victoria for the relevant purpose in (a) or (b); and
      - (B) is not a diagnosed person or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in any State or Territory; and
      - (C) is not experiencing SARS-CoV-2 symptoms; and
      - (D) has provided information in the permit that is true and correct; and
      - (E) will comply with the conditions in subclause (5).
- (5) A restricted person or prohibited person who enters Victoria under subclause (4):
- (a) must 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) a valid freight worker permit; and

- (ii) photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and
- (b) must not work while experiencing SARS-CoV-2 symptoms; and
- (c) must, unless the person's ordinary place of residence is in Victoria, only remain in Victoria for the period reasonably necessary to provide commercial freight services; and
- (d) must get tested for SARS-CoV-2 at least once every 7 days during each freight worker permit validity period in subclause (6); and

*Note: nothing in paragraph (d) is intended to require a person to be tested for SARS-CoV-2 more than twice in any 14 day period, including where a person enters Victoria more than once in any 14 day period.*

- (e) who is:
  - (i) a restricted person and has been in an orange zone in the 14 days before the person enters Victoria and has not received a negative SARS-CoV-2 test result since last entering Victoria; or
  - (ii) a prohibited person and has been in a red zone in the 14 days before the person enters Victoria,must:
  - (iii) carry and provide documentary evidence that the person has been tested in accordance with paragraph (d) (including evidence of the person's most recent test) 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
  - (iv) minimise contact with other persons; and
  - (v) wear 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), for 14 days commencing from when the person enters Victoria or, if the person is a person referred to in subparagraph (i), until the person receives a negative SARS-CoV-2 test result, when in:
    - (A) an indoor place; and
    - (B) an outdoor public places where the person is unable to practise physical distancing; and
    - (C) 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; and
- (f) comply with all Directions currently in force; and
- (g) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms.

*Note: a commercial freight worker may 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 subclause (5) whilst in Victoria.*

- (6) A freight worker permit:
  - (a) is valid for 14 days from the date the restricted person or prohibited person first enters Victoria (unless revoked earlier); and
  - (b) may be used by a restricted person or prohibited person to enter Victoria multiple times during the validity period in paragraph (a).

## 11 Applications for a permit

- (1) A person may apply for a **permit** using a digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government.
- (2) An application for a 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 permit to a person if clause:
    - (i) 5 (green zone permit); or
    - (ii) 6 (orange zone permit); or
    - (iii) 8 (transit permit); or
    - (iv) 10(1) (specified worker permit); or
    - (v) 10(4) (freight worker permit),applies, the person makes an application under subclause (1) and the application complies with the requirements under subclause (2); and
  - (b) may provide a copy of the permit to the Department; and
  - (c) will provide any information contained in an application to the Department on behalf of the person.
- (4) A person must not give information, or make a statement, in an application for a permit that is false or misleading in a material particular.

## 12 Excepted persons

- (1) A restricted person or prohibited person may enter Victoria from any other State or a Territory without a 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) if the person's ordinary place of residence is in Victoria and the person is returning to Victoria after leaving Victoria to provide, receive or accompany a dependant who received, emergency or essential medical care or other urgent care; or
  - (c) 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 person entering Victoria under paragraph (c) is required to carry a letter from their employer evidencing the need for that worker to enter Victoria for under paragraph (c).*
  - (d) if the person's ordinary place of residence is in Victoria and the person is returning to Victoria after leaving Victoria to provide, receive emergency services or 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
  - (e) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or

- (f) if the person's ordinary place of residence is in Victoria and the person is returning to Victoria after leaving Victoria to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
  - (g) if the person is a **school** student travelling on a bus; or
  - (h) if the person remains on the same premises where that premises is both in the State of Victoria and either:
    - (i) the State of New South Wales; or
    - (ii) the State of South Australia; or
  - (i) for purposes related to the administration of justice in Victoria; or  
*Example: prison transfers.*
  - (j) if the person's ordinary place of residence is in Victoria and the person is returning to Victoria after leaving Victoria for purposes related to the administration of justice; or  
*Example: following attendance at a court hearing in another State or a Territory.*
  - (k) for purposes related to shared custody arrangements (court ordered or non-court ordered); or
  - (l) if the person's ordinary place of residence is in Victoria and the person is returning to Victoria after leaving Victoria for purposes related to shared custody arrangements (court ordered or non-court ordered); or
  - (m) as required or authorised by law or;
  - (n) if the person's ordinary place of residence is in Victoria and the person is returning to Victoria after leaving Victoria as required or authorised by law; or
  - (o) for the purposes of state security or **national security**; or
  - (p) if the person's ordinary place of residence is in Victoria and the person is returning to Victoria after leaving Victoria for the purposes of state security or national security; or
  - (q) if the person leaves Victoria to travel along the Murray River but only if the person:
    - (i) does not set foot on the banks of the Murray River on the New South Wales side or South Australian side of the Murray River (unless the person is a restricted person from a cross border community area); and
    - (ii) prohibits or prevents any prohibited person from travelling on the Murray River with them or entering Victoria with them.
- (2) A restricted person who enters Victoria as an excepted person under subclause (1) (except where the restricted person enters Victoria as an excepted person in accordance with subclause (1)(g) or (h)) must:
- (a) where the person is entering Victoria under a green zone permit:
    - (i) 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) photographic personal identification and evidence of the address where the person ordinarily resides (unless the person is under the age of 18); and
    - (ii) comply with all Directions currently in force; and
    - (iii) monitor for SARS-CoV-2 symptoms; and
    - (iv) only remain in Victoria for the period reasonably necessary for the purpose they entered Victoria (unless Victoria is their normal place of residence); and

- (v) if they are a **diagnosed person** or someone who has been in close contact with a diagnosed person, comply with the requirements of the **Diagnosed Persons and Close Contacts Direction**; or
- (b) where the person is entering Victoria under an orange zone permit:
  - (i) 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) photographic personal identification and evidence of the address where the person ordinarily resides (unless the person is under the age of 18); and
  - (ii) be tested for SARS-CoV-2 within 72 hours of entering Victoria; and
  - (iii) 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 or until the person receives a negative SARS-CoV-2 test result (whichever is earlier) and not leave the premises except:
    - (A) perform the activity for which they were permitted to enter Victoria; or
    - (B) to obtain medical care or medical supplies; or
    - (C) to get tested for SARS-CoV-2; or
    - (D) in an emergency situation; or
    - (E) if required to do so by law; or
    - (F) if the prohibited person has entered Victoria to escape harm, only self-quarantine to the extent it is reasonably practicable to do so in all the circumstances, during the period of self-quarantine under this paragraph; and
  - (iv) provide documentary evidence that the person has been tested in accordance with paragraph (iii) (including evidence of the person's most recent test) 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
  - (v) comply with all Directions currently in force; and
  - (vi) monitor for SARS-CoV-2 symptoms; and
  - (vii) the prohibited person must wear a face covering when in public for a period of 14 days from entry into Victoria or until the person receives a negative SARS-CoV-2 test result (whichever is earlier) (over and above the Directions currently 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
  - (viii) if they are a **diagnosed person** or someone who has been in close contact with a diagnosed person, comply with the requirements of the **Diagnosed Persons and Close Contacts Direction**; or
- (3) A prohibited person who enters Victoria as an excepted person under subclause (1) must:
  - (a) 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), photographic personal identification and evidence of the address where the person ordinarily resides (unless the person is under the age of 18); and
  - (b) be tested for SARS-CoV-2 within 72 hours of entering Victoria; and

- (i) 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 not leave the premises except:
  - (A) perform the activity for which they were permitted to enter Victoria; or
  - (B) to obtain medical care or medical supplies; or
  - (C) to get tested for SARS-CoV-2; or
  - (D) in an emergency situation; or
  - (E) if required to do so by law; or
  - (F) if the prohibited person has entered Victoria to escape harm, only self-quarantine to the extent it is reasonably practicable to do so in all the circumstances,during the period of self-quarantine under this paragraph; and
- (c) provide documentary evidence that the person has been tested in accordance with paragraph (b) (including evidence of the person's most recent test) 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
- (d) comply with all Directions currently in force; and
- (e) monitor for SARS-CoV-2 symptoms; and
- (f) only remain in Victoria for the period reasonably necessary for the purpose (except in case of emergency);
- (g) minimise contact with other persons in Victoria; and
- (h) practise physical distancing; and
- (i) keep detailed records of each place they stop (including accommodation) in Victoria; and
- (j) wear 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 # over and above
- (k) wear a face covering during each flight to and from Victoria 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
- (l) the prohibited person must wear a face covering when in public for a period of 14 days from entry into Victoria (over and above the Directions currently 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
- (m) if they are a **diagnosed person** or someone who has been in close contact with a diagnosed person, comply with the requirements of the **Diagnosed Persons and Close Contacts Direction**.

### 13 Exemption power

#### *Request for exemption*

- (1) A restricted person or a prohibited person is not required to comply with a requirement of these directions if the person is granted an exemption from that requirement under:
  - (a) subclause (6) (specific circumstances); or
  - (b) subclause (11).
- (2) A restricted person or a prohibited person may request an exemption by:
  - (a) using a digital system provided by the Service Victoria CEO and other parts of the Victorian Government; or

- (b) contacting the Department by phone (or other method determined by the Department from time to time).
- (3) A request for exemption must contain all information reasonably required by the Department from time to time, for the purpose of protecting public health.
- (4) The Service Victoria CEO will provide any information contained in a request for exemption under subclause (2)(a) to the Department.

*Exemptions for specific circumstances*

- (5) A restricted person or a prohibited person may request an exemption from any or all requirements contained in these directions:
  - (a) to attend a funeral or end of life event; or
  - (b) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
  - (c) to return to the person's ordinary place of residence for health, wellbeing, care or compassionate reasons; or
  - (d) to effect an emergency relocation; or
  - (e) to effect a military transfer.
- (6) The Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the public health branch of the Department) may exempt a restricted person or a prohibited person 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.
- (7) Before granting any exemption under subclause (6) the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the public health branch of the Department) must consider:
  - (a) if the restricted person or a prohibited person is:
    - (i) lawfully permitted to leave a State or Territory in accordance with the laws in force in that jurisdiction; and
    - (ii) seeking to enter Victoria:
      - (A) to attend a funeral or end of life event; or
      - (B) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
      - (C) to return to the person's ordinary place of residence for health, wellbeing, care or compassionate reasons; or
      - (D) to effect an emergency relocation; or
      - (E) to effect a military transfer; and
  - (b) documentary evidence provided by the restricted person or a prohibited person of:
    - (i) the circumstances described in paragraph (a); or
    - (ii) test results or other medical information in relation to the person, including a negative SARS-CoV-2 test result received by the person within 72 hours prior to the person's proposed or actual entry into Victoria; or

*Note: a person returning to the person's ordinary place of residence in Victoria may not need to be tested for SARS-CoV-2 in another State or a Territory before entering Victoria but must be tested for SARS-CoV-2 within 72 hours of returning to Victoria.*

- (iii) directions or permissions given to that person from a State or Territory not to self-isolate or self-quarantine,  
and any further documentary evidence requested by the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the public health branch of the Department) and provided by the person.
- (8) An exemption granted under subclause (6):
  - (a) must:
    - (i) be given by the Department, in writing, to the person who is the subject of the exemption; and
    - (ii) specify the requirement or requirements that the person or need not comply with; and
  - (b) may be subject to additional or different conditions approved by the Chief Health Officer or Deputy Chief Health Officer.
- (9) An exemption granted under subclause (6) does not prevent an authorised officer from exercising an **emergency power** to give the restricted person or a prohibited person a different direction or impose a different requirement or condition of exemption on the restricted person or a prohibited person.

*Exemptions, generally*

- (10) A restricted person or a prohibited person may request an exemption from any or all requirements contained in these directions.
- (11) The Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the public health branch of the Department) may exempt a person or 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.
- (12) Before granting any exemption under subclause (11) the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the public health branch of the Department) must consider:
  - (a) the circumstances set out in any request; and
  - (b) any documentary evidence provided by the restricted person or a prohibited person, including test results or other medical information in relation to the person; and
  - (c) any further documentary evidence requested by the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the public health branch of the Department) and provided by the person.
- (13) An exemption under subclause (11):
  - (a) must:
    - (i) be given by the Department, in writing, to the person who is the subject of the exemption; or

- (ii) be published by the Department, in writing, for the purpose of any group of persons who are the subject of the exemption; and
  - (iii) specify the requirement or requirements that the person or group of persons need not comply with; and
  - (b) may be subject to additional or different conditions approved by the Chief Health Officer or Deputy Chief Health Officer.
- (14) An exemption granted under subclause (11) does not prevent an authorised officer from exercising an **emergency power** to give the restricted person or a prohibited person or group of persons a different direction or impose a different requirement on the restricted person or a prohibited person or group of persons.

*Conditions of exemption*

- (15) A restricted person who enters Victoria under an exemption granted under subclause (11) must:
- (a) enter Victoria at a point of entry and within 72 hours of the time and date set out in the exemption; and
 

*Note: an exemption will expire if the prohibited person does not enter Victoria within 72 hours of the time and date set out in the exemption and the prohibited person will need to re-apply for a new exemption.*
  - (b) where the person orange zone has been in an orange zone in the previous 14 days, comply with any conditions imposed on the exemption.
- (16) A prohibited person who enters Victoria under an exemption granted under subclause (6) or subclause (11) who has been in a red zone in the 14 days prior to entry into Victoria must:
- (a) enter Victoria at a point of entry and within 72 hours of the time and date set out in the exemption; and
 

*Note: an exemption will expire if the prohibited person does not enter Victoria within 72 hours of the time and date set out in the exemption and the prohibited person will need to re-apply for a new exemption.*
  - (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) documentary evidence supporting the grounds for the exemption, if applicable; and
    - (iii) the prohibited person's photographic personal identification including the address at which the prohibited person ordinarily resides (unless the person is under the age of 18); and
    - (iv) if the prohibited person is returning to the premises at which the prohibited person ordinarily resides in Victoria, a SARS-CoV-2 test result from within the preceding 72 hours of the person's entry into Victoria or from within the 72 hours following the person's entry into Victoria; and
  - (c) travel directly:
    - (i) if the prohibited person is travelling to Victoria by air, to the airport in the State or Territory and remain at the airport until the person's flight; and
    - (ii) if the prohibited person is travelling to Victoria by road or otherwise, to the point of entry set out in the exemption, minimising contact with other persons; and

- (d) where the prohibited person's ordinary place of residence is not in Victoria, evidence that they have been tested for SARS-CoV-2 in accordance with paragraph (iv); and
  - (e) travel directly to the premises at which the prohibited person ordinarily resides or such other premises suitable for the prohibited person to reside in for the purpose of self-quarantine in accordance with paragraph (e); and
    - (i) self-quarantine at the premises at which the prohibited person ordinarily resides or another premises that is suitable for the prohibited person to reside in for the purpose of self-quarantine for 14 days, and only leave that premises:
    - (ii) to return to the relevant State or Territory; or
    - (iii) to attend a specified event or place, subject to additional requirements set out in the exemption in relation to:
      - (A) the period the prohibited person may spend at the specified event or place; and
      - (B) whether other persons with whom the prohibited person does not ordinarily reside are permitted to be present at the specified event or place; and
      - (C) if the prohibited person is permitted to attend a worksite, record keeping requirements of any worksite the prohibited person attends; or
    - (iv) to obtain medical care or medical supplies; or
    - (v) to get tested for SARS CoV-2; or
    - (vi) in an emergency situation; or
    - (vii) if required to do so by law; and
  - (f) wear a face covering when in public (over and above the Directions currently 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) advise the Department immediately if the prohibited person experiences any SARS-CoV-2 Symptoms.
- (17) Nothing in subclauses (15) and (16) prevents an authorised officer from exercising an **emergency power** to give a restricted person or a prohibited person a different direction or impose a different requirement or condition of exemption on the restricted person or the prohibited person.

#### 14 Definitions

In these directions:

- (1) **aircrew services worker** means a pilot or a member of cabin crew undertaking operational flying duties or proficiency training on an aircraft that is not an aircraft of any part of the Australian Defence Force (including any aircraft that is commanded by a member of that Force in the course of duties as such a member);
- (2) **authorised officer** has the same meaning as in the PHW Act;
- (3) **cleared from self-isolation** has the meaning in the **Diagnosed Persons and Close Contacts Directions**;
- (4) **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**;

- (5) **COVIDSafe Plan** means a COVIDSafe Plan described in clause 6(3) of the **Workplace Directions (No. 16)**;
- (6) **cross border community area** means a **municipal district**, local government area or unincorporated local government area 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](http://www.coronavirus.vic.gov.au/victorian-border-crossing-permit);
- (7) **cross border community member** means a person whose ordinary place of residence is in the **cross border community area**;
- (8) **Department** means the Victorian Department of Health and Human Services;
- (9) **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**);
- (10) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 15)** as amended from time to time;
- (11) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (12) **emergency powers** has the same meaning as in the PHW Act;
- (13) **emergency worker** has the same meaning as in the **Sentencing Act 1991**;
- (14) **excepted person** has the meaning in clause 11(1);
- (15) **face covering** has the meaning in the **Stay Safe Directions (Victoria)**;
- (16) **freight worker permit** has the meaning in clause 9(4);
- (17) **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;
- (18) **green zone** means any location in any other State or a Territory that is not a red zone or an orange zone;
- (19) **green zone permit** has the meaning in clause 5;
- (20) **municipal district** has the same meaning as in the **Local Government Act 1989**;
- (21) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (22) **offshore petroleum or gas storage facility** has the meaning that facility has in Schedule 3 to the **Offshore Petroleum and Greenhouse Gas Storage Act 2010**;
- (23) **orange zone** means any location in any other State or a Territory assessed as medium risk for SARS-CoV-2 transmission, but only during the specific period for that location detailed on the Department's website available at [www.coronavirus.vic.gov.au/victorian-border-crossing-permit](http://www.coronavirus.vic.gov.au/victorian-border-crossing-permit), as amended from time to time with the approval of the Chief Health Officer;
- (24) **orange zone permit** has the meaning in clause 6;
- (25) **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;
- (26) **hotel quarantine** means a program requiring a person to quarantine at a hotel in accordance with a public health order, public health directions, regulations or any other law of any State, Territory or the Commonwealth made in order to limit the spread **SARS-CoV-2**;

- (27) **permit** means the written notice (digital or otherwise) provided under clause 11 and includes:
- (a) **green zone permit**; and
  - (b) **orange zone permit**; and
  - (c) **specified worker permit**; and
  - (d) **freight worker permit**; and
  - (e) **transit permit**; and
- (28) **prohibited person** means a person who has resided in, visited, been in or travelled through a **red zone**;
- (29) **red zone** means any location in any other State or a Territory assessed as high risk for SARS-CoV-2 transmission, but only during the specific period for that location detailed on the Department's website available at [www.coronavirus.vic.gov.au/victorian-border-crossing-permit](http://www.coronavirus.vic.gov.au/victorian-border-crossing-permit), as amended from time to time with the approval of the Chief Health Officer;
- (30) **restricted person** means any person who is not a prohibited person;
- (31) **revoked Border Crossing Permit Scheme Directions** means the following directions:
- (a) **New South Wales Border Crossing Permit Scheme Directions**, given on 18 December 2020;
  - (b) **New South Wales Border Crossing Permit Scheme Directions (No. 2)**, given on 20 December 2020;
  - (c) **New South Wales Border Crossing Permit Scheme Directions (No. 3)**, given on 30 December 2020;
  - (d) **New South Wales Border Crossing Permit Scheme Directions (No. 4)**, given on 1 January 2021;
  - (e) **New South Wales Border Crossing Permit Scheme Directions (No. 5)**, given on 1 January 2021;
  - (f) **New South Wales Border Crossing Permit Scheme Directions (No. 6)**, given on 3 January 2021;
  - (g) **New South Wales Border Crossing Permit Scheme Directions (No. 7)**, given on 5 January 2021;
  - (h) **New South Wales Border Crossing Permit Scheme Directions (No. 8)**, given on 7 January 2021;
  - (i) **New South Wales and Queensland Border Crossing Scheme Directions**, given on 8 January 2021;
- (32) **SARS-CoV-2 symptoms** means symptoms consistent with SARS-CoV-2, including but not limited to the following:
- (a) a fever ( $\geq 37.5^{\circ}\text{C}$ ) or consistent fever of less than  $37.5^{\circ}\text{C}$  (such as night sweats, chills);
  - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
  - (c) loss of smell;
  - (d) loss of taste;
- (33) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (34) **short term transit** means a transit period of less than 24 hours, except in an emergency;
- (35) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**.

- (36) **specified work** has the same meaning as in Department’s document titled “Travellers eligible to apply for a permit under permitted workers categories” (<https://www.coronavirus.vic.gov.au/travellers-eligible-apply-permit-under-permitted-workers-categories>), as amended from time to time with the approval of the Chief Health Officer;
- (37) **specified worker** means a person employed or engaged to provide **specified work**;
- (38) **specified worker permit** has the meaning in clause 10(3);
- (39) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 9)** as amended from time to time;
- (40) **transit border permit** has the meaning in clause 8;

## 15 Penalties

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

### False or misleading information

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

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

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

*Note: currently, 60 penalty units equals \$9,912 and 300 penalty units equals \$49,466.*

- (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 and 300 penalty units equals \$49,466.*

- (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;
  - (d) \$4,957 if the contravention of these directions is constituted by refusing or failing to comply with a requirement in relation to a person travelling from a restricted area (however described) and seeking to enter Victoria without a reasonable excuse or other valid reason or excuse.
- (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 11 January 2021

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

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**Public Health and Wellbeing Act 2008**

## Section 200

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

## Stay Safe Directions (Victoria) (No. 9)

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to eliminate or reduce the risk to public health—and reasonably necessary to protect public health—to give the following directions pursuant to section 200(1)(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. 8)** and require face coverings to be worn when travelling on an **aircraft** arriving in and / or departing from Victoria.

**2 Citation**

These directions may be referred to as the **Stay Safe Directions (Victoria) (No. 9)**.

**3 Revocation**

The **Stay Safe Directions (Victoria) (No. 8)** are revoked at 5:59:00 pm on 11 January 2021.

**4 Stay safe period**

For the purposes of these directions, the **stay safe period** is the period beginning at 5:59:00 pm on 11 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](http://www.dhhs.vic.gov.au/staying-safe-covid-19).*

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

#### *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](http://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 and on aircraft*

- (9) During the stay safe period, a person in the State of Victoria at an airport or travelling in an aircraft 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 at all times while inside an aircraft that is departing from or arriving in Victoria; 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](http://www.dhhs.vic.gov.au/face-masks-vic-covid-19).*

- (11) An **Authorised Officer** may require a person to attest in writing that they have complied with the requirements of subclause (9) to wear a face covering on an aircraft (subject to clause (10)).

### 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) **aircraft** means aircraft that is mainly used for the purpose of, or is engaged, or is intended or likely to be engaged, in a flight wholly within Australia;

- (2) **airport** means an aerodrome at which facilities are available for the arrival or departure of aircraft into or from the State of Victoria;
- (3) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (4) **Care Facilities Directions** means **Care Facilities Directions (No. 19)** as amended or replaced from time to time;
- (5) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (6) **close contact** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (7) **commercial passenger vehicle** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;
- (8) **density quotient** has the same meaning as in the **Workplace Directions**;
- (9) **Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (10) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (11) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 15)** as amended or replaced from time to time;
- (12) **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;
- (13) **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);
- (14) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 17)** as amended or replaced from time to time;
- (15) **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;
- (16) **market** means a public market, including a food market;
- (17) **market stall** means a stall within a **market**;
- (18) **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;
- (19) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (20) **physical recreational facility** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (21) **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;
- (22) **prison** has the same meaning as in the **Corrections Act 1986**;
- (23) **prisoner** has the same meaning as in the **Corrections Act 1986**;

- (24) **public transport** means a vehicle operated by a **passenger transport company** or by a **bus company** in the provision of a **public transport service**;
- (25) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (26) **Restricted Activity Directions (Victoria)** means the **Restricted Activity Directions (Victoria) (No. 5)** as amended or replaced from time to time;
- (27) **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;
- (28) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (29) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 9)** as amended or replaced from time to time;
- (30) **stay safe period** has the meaning in clause 4;
- (31) **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;
- (32) **vehicle** has the same meaning as in the PHW Act;
- (33) **visiting person** has the meaning in clause 7(2)(h);
- (34) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) (No. 16)** as amended or replaced from time to time;
- (35) **Workplace Directions** means the **Workplace Directions (No. 16)** as amended or replaced from time to time;
- (36) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (37) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (38) 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 11 January 2021

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

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Workplace Directions (No. 16)**

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to eliminate or reduce the risk to public health—and reasonably necessary to protect public health—to give the following directions pursuant to 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. 15)** and exempts Victoria Police as an employer from the capacity limits for workers who can attend office-based Work Premises.

**2 Citation**

These directions may be referred to as the **Workplace Directions (No. 16)**.

**3 Revocation**

The **Workplace Directions (No. 15)** are revoked at 5:59:00 pm on 11 January 2021.

**4 Commencement**

These directions commence at 5:59:00 pm on 11 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) other than for Work Premises of Victoria Police, 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 11:58:59pm 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
- (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 other than for Work Premises of Victoria Police, 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 1: the employer must follow any guidance on office-based work issued by the Department of Jobs, Precincts and Regions.*

*Note 2: Victoria Police as an employer is not required to comply with clause 6(3)(a)(v) in relation to office-based Work Premises.*

- (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;
  - (a) Work Premises rosters;
  - (b) time and attendance records;
  - (c) 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](http://www.dhhs.vic.gov.au/cleaning-and-disinfecting-reduce-covid-19-transmission-tips-non-healthcare-settings).*

- (d) ensure appropriate records are maintained in accordance with clause 6(7) in order to support contact tracing if the suspected case becomes a confirmed case, particularly from the period commencing 48 hours prior to the onset of symptoms in the suspected case; and

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

- (e) inform all workers (including the **health and safety representative**) to be vigilant about the onset of symptoms of SARS-CoV-2 and advise all workers to be tested for SARS-CoV-2 and self-isolate if they become symptomatic.

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

- (1) In these directions, in respect of a worker who has tested positive to SARS-CoV-2, **Relevant Period** means the period commencing 48 hours prior to:
  - (a) the onset of symptoms of SARS-CoV-2 in the worker, if symptomatic; or
  - (b) the worker having been tested for SARS-CoV-2, if asymptomatic,
 and up to the **diagnosed person** receiving clearance from the Department.
- (2) A worker who has received a positive test result for SARS-CoV-2 must, as soon as practicable, notify the employer of any Work Premises which the worker has attended in the Relevant Period.
- (3) As soon as practicable after becoming aware of a confirmed case who has attended the Work Premises in the Relevant Period, the employer must:
  - (a) notify the Department and **WorkSafe** in accordance with the **Occupational Health and Safety (COVID-19 Incident Notification) Regulations 2020** and the health and safety representative at the Work Premises; and
  - (b) to the extent not already completed, direct the **diagnosed worker** not to attend the Work Premises and advise them to self-isolate in accordance with clause 7(2)(a); and

- (c) undertake a risk assessment to determine whether the Work Premises (or the relevant part of the Work Premises in which the diagnosed worker worked in the Relevant Period) must be closed to allow cleaning and contact tracing to occur or whether the risk can be managed whilst the Work Premises (or part of it) continues to operate; and
- (d) undertake a comprehensive clean of the Work Premises (or the relevant part of the Work Premises in which the diagnosed worker worked in the Relevant Period, and any high touch areas likely to have been touched by the diagnosed worker) in accordance with guidelines published by the Department; and

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

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

*Note: for record-keeping obligations to assist with identification of close contacts and 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  $37.5^{\circ}\text{C}$  (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. 9)** 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. 16)** 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 11 January 2021

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

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Workplace (Additional Industry Obligations) Directions (No. 16)**

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to eliminate or reduce the risk to public health—and reasonably necessary to protect public health—to give the following directions pursuant to 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. 15)** and add **Australian air transport operators** to the list of Additional Obligation Industries and impose obligations on airline services to include in the COVIDSafe Plans the processes they will put in place to ensure compliance with requirements to wear a face covering.

**2 Citation**

These directions may be referred to as the **Workplace (Additional Industry Obligations) Directions (No. 16)**.

**3 Revocation**

The **Workplace (Additional Industry Obligations) Directions (No. 15)** are revoked at 5:59:00 pm on 11 January 2021.

**4 Commencement**

These directions commence at 5:59:00 pm on 11 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;** and
  - (m) **Australian air transport operators.**
- (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, hospitals (except for high-risk hospital Work Premises, to which the clause does apply) and Australian air transport operators.

*Note: the exception of care facilities, hospitals (except for high-risk hospital Work Premises) and Australian air transport operators 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.

*Australian Air Transport Services (Passenger)*

- (31) In relation to a Work Premises that is an Australian air transport operator's Work Premises, an employer must:
- (a) include in its COVIDSafe Plan the processes it will put in place to ensure compliance with requirements to wear a face covering, where any other Directions currently in force require a face covering to be worn in its Work Premises or part of its Work Premises;
  - (b) provide appropriate facilities for the disposal of face coverings at its Work Premises covered under subclause (31)(a).

## 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) **Australian air transport operator** has the same meaning as in the **Civil Aviation Safety Amendment (Part 119) Regulations 2018**;
- (4) **aircraft** has the same meaning as in the **Stay Safety Directions (Victoria)**;
- (5) **airport** means a facility that receives scheduled international passenger air transport services and / or passenger charter air services from international markets;
- (6) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (7) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (8) **Care Facilities Directions** means the **Care Facilities Directions (No. 19)** as amended or replaced from time to time;
- (9) **care facility worker** has the same meaning as “worker” in clause 6(1) of the **Care Facilities Directions**;
- (10) **cleaned** has the same meaning as in the **Workplace Directions**;
- (11) **commercial cleaning services** means a business that provides cleaning and sanitisation services to commercial premises;
- (12) **commercial passenger vehicle services** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;
- (13) **confirmed case** means a worker diagnosed with SARS-CoV-2;
- (14) **COVID Marshal** has the meaning in clause 7(2)(a);
- (15) **Department** means the Department of Health and Human Services;
- (16) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 15)** as amended or replaced from time to time;
- (17) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (18) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (19) **employee** includes a person who is self-employed;
- (20) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (21) **face covering** has the same meaning as in the **Workplace Directions**;
- (22) **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;
- (23) **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**;
- (24) **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;
- (25) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (26) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No 17)** as amended or replaced from time to time;
- (27) **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;
- (28) **inspector** has the same meaning as in the **OHS Act**;
- (29) **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);
- (30) **meat processing facility** has the meaning under the PrimeSafe licence category “further meat processing facilities”;
- (31) **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**;
- (32) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (33) **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.*
- (34) **perishable food Work Premises** means a Work Premises that is predominantly a perishable food facility that is a chilled distribution facility.
- (35) **personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;
- (36) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (37) **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.)**;
- (38) **port of entry** means a **port** or **airport**;
- (39) **port of entry worker** has the meaning in subclause 7(16);

- (40) **poultry processing facility** has the meaning under the PrimeSafe licence category “poultry meat processing facilities”;
- (41) **premises** has the same meaning as in the **PHW Act**;
- (42) **reasonably practicable** is to have its ordinary and common sense meaning;
- (43) **records requirement** has the same meaning as in the **Workplace Directions**;
- (44) **SARS-CoV-2 Symptoms** has the same meaning as in the **Workplace Directions**;
- (45) **seafood processing facility** has the meaning under the PrimeSafe licence category “seafood processing facilities”;
- (46) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (47) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (48) **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;
- (49) **seasonal Work Premises** means a farm or workplace where **seasonal horticultural work** is undertaken;
- (50) **seasonal worker** means a worker temporarily employed or engaged to perform **seasonal horticultural work** at **seasonal Work Premises**;
- (51) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 9)** as amended or replaced from time to time;
- (52) **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;
- (53) **supermarket Work Premises** means the total of all supermarket distribution facilities;
- (54) **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>.*

- (55) **vehicle** has the same meaning as in the **PHW Act**;

*Note: under the PHWA, vehicle includes any means of transport, whether used on land, sea or in the air.*

- (56) **Workplace Directions** means the **Workplace Directions (No. 16)** as amended or replaced from time to time;
- (57) **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.*

- (58) **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 11 January 2021

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

# ive

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