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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. 15)

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**):

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 must be read together with the **Directions currently in force**.
- (3) These directions replace the **Stay Safe Directions (Victoria) (No. 14)** and remove the restrictions on the circumstances in which anyone who ordinarily resides in the State of Victoria may leave the **premises** where they ordinarily reside.
- (4) These directions still require anyone who ordinarily resides in the State of Victoria to:
 - (a) limit interactions with others by restricting gatherings; and
 - (b) carry and wear **face coverings**.

2 Citation

These directions may be referred to as the **Stay Safe Directions (Victoria) (No. 15)**.

3 Revocation

The **Stay Safe Directions (Victoria) (No. 14)** are revoked at 11:59:00 pm on 17 February 2021.

4 Stay safe period

For the purposes of these directions, the **stay safe period** is the period beginning at 11:59:00 pm on 17 February 2021 and ending at 11:59:00 pm on 26 February 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), (10) and (11); 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

SPECIAL

- (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's guidelines as amended from time to time by the Victorian government, available at: www.coronavirus.vic.gov.au/hygiene-physical-distancing

*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 at all times:
 - (i) while in an **indoor space**, other than in the premises where the person ordinarily resides, while visiting a person with whom they are in an intimate personal relationship in accordance with clause 7(2)(g) or while visiting another premises for a social gathering in accordance with clause 7(2)(h); and
 - (ii) while in an **outdoor space** at all times when they cannot maintain a distance of 1.5 metres from all other persons (except those people with whom they ordinarily reside or with whom they are in an intimate personal relationship); and
 - (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**,

except where subclause (8) applies; and

- (c) wear a face covering where required to do so in accordance with any other Directions currently in force.

Note 1: face shields on their own do not meet the face covering requirements. For further information, please refer to the Department of Health's guidelines as amended from time to time by the Victorian government, available at: www.dhhs.vic.gov.au/face-masks-vic-covid-19

Examples: face coverings may be required when outdoors in situations including (but not limited to) outdoor concerts, gardens and markets; participants at a street festival; and while waiting at a bus stop or tram or train station.

Note 2: it is recommended that face coverings be worn in other situations when physical distancing is not possible.

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

- (o) the person is consuming food, drink or medicine; or
- (p) 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
- (q) 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
- (r) 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
- (s) the person is asked to remove the face covering to ascertain identity; or
Examples: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
- (t) for emergency purposes; or
- (u) required or authorised by law; or
- (v) doing so is not safe in all the circumstances.

Face covering requirements in airports and on aircraft

- (9) Without limiting subclause (7)(b), 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 (and at all times while inside an aircraft); 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's guidelines as amended from time to time by the Victorian government, available at: www.dhhs.vic.gov.au/face-masks-vic-covid-19
- (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.
- (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 the premises where they ordinarily reside.

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 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 provide or receive educational services;
Examples: a tradesperson for the purpose of carrying out repairs; a disability support worker; a vet; a person for end of life faith reasons.
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.
 - (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 4 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 5 visiting persons for a social gathering each day,

except that if a visiting person is a parent, guardian or carer of a child or dependant, and they cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependant unattended so that they can leave the premises without the child or dependant, then the child or dependant may accompany the visiting person to the social gathering and the limits in paragraphs (ii) and (iv) do not apply; or

Note: under subclause (2)(h), up to 5 people may visit for a social gathering each day, with any infant under one year of age not counting towards this limit. The 5 people do not need to be from the same household and do not have to visit at the same time. If a visiting person cannot access alternative care arrangements and can only visit for a social gathering with their children or dependants (for example, accompanied by more than 4 of their children), then the limit of 5 people does not apply.

- (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 is 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 19 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 20.

Note 2: two or more groups of 20 people cannot meet for a common purpose at a public place. In addition, a group in a public place must take reasonable steps to maintain a safe distance from any other groups in that public place.

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

- (a) for the purpose of a religious gathering (including ceremonies) 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) if 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 **authorised celebrant** and a wedding photographer can enter the premises under subclause (2)(c) (work) and are not subject to the gathering restrictions.*

*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) and are not subject to the gathering restrictions.

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

- (4) Unless the context otherwise requires, a reference in any Directions currently in force, in any Direction and Detention Notice, or in any approved form under a Direction currently in force or a Direction and Detention Notice to:
 - (a) a Direction currently in force or these directions, or a defined term in a Direction currently in force or these directions, will be taken to mean that direction (and hence that defined term) as amended or replaced from time to time; or
 - (b) an earlier version of a particular Direction currently in force or these directions will be taken to be a reference to the current version of that particular direction.

9 Definitions

For the purposes of these directions:

- (1) **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 celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (4) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (5) **Care Facilities Directions** means **Care Facilities Directions (No. 22)** as amended or replaced from time to time;
- (6) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (7) **close contact** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (8) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (9) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 16)** as amended or replaced from time to time;
- (10) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (11) **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**, the **Victorian Border Crossing Permit Directions** and the **Workplace (Additional Industry Obligations) Directions**, each as amended or replaced from time to time;
- (12) **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);
- (13) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 20)** as amended or replaced from time to time;
- (14) **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;
- (15) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (16) **outdoor space** means a space that is not an **indoor space**;
- (17) **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;

- (18) **prison** has the same meaning as in the **Corrections Act 1986**;
- (19) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (20) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (21) **Restricted Activity Directions (Victoria)** means the **Restricted Activity Directions (Victoria) (No. 8)** as amended or replaced from time to time;
- (22) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (23) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 15)** as amended or replaced from time to time;
- (24) **stay safe period** has the meaning in clause 4;
- (25) **vehicle** has the same meaning as in the PHW Act;
- (26) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 5)** as amended or replaced from time to time;
- (27) **visiting person** has the meaning in clause 7(2)(h);
- (28) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 17)** as amended or replaced from time to time;
- (29) **Workplace Directions** means the **Workplace Directions (No. 20)** as amended or replaced from time to time;
- (30) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (31) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

10 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Dated 17 February 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****Restricted Activity Directions (Victoria) (No. 8)**

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

1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in the State of Victoria to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Restricted Activity Directions (Victoria) (No. 7)**.

2 Citation

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

3 Revocation

The **Restricted Activity Directions (Victoria) (No. 7)** are revoked at 11:59:00 pm on 17 February 2021.

4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00 pm on 17 February 2021 and ending at 11:59:00 pm on 26 February 2021.

5 Physical recreational facilities

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

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

- (2) A **physical recreational facility** means any of the following, whether operated on a for profit or not-for-profit basis:

- (a) a facility used predominantly for indoor sport or physical recreation;

Examples: gymnasium, health club, fitness centre, yoga studio, pilates studio, barre studio, dance studio, spin facility, indoor basketball court, indoor climbing facility, squash court, table tennis centre.

- (b) a facility used predominantly for outdoor sport or physical recreation;

Examples: golf club, tennis club, basketball centre, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, outdoor swimming, water skiing.

- (c) a **personal training facility**;

- (d) a **cardio or strength training facility**;

Examples: a cardio or strength facility featuring cardio equipment (such as exercise bikes, elliptical trainers, steppers and rowing machines), free weights, kettlebells and weight and/or strength training equipment and machines. A cardio or strength training facility may be a stand-alone facility or part of another facility (such as a gymnasium, health club, fitness centre or personal training facility).

- (e) a **play centre**;

- (f) a skatepark;

- (g) a trampolining centre,

but does not include:

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

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

Indoor physical recreation and indoor community sport

- (3) A person who owns, controls or operates a facility under subclause (2)(a) (indoor sport or physical recreational facility), (2)(c) (personal training facility) or (2)(d) (cardio or strength training facility) in the State of Victoria may operate that facility for the purpose of indoor physical recreation or indoor community sport (in accordance with clause 6) by **members of the public** if:

- (a) subject to paragraph (f), the number of persons permitted in each **indoor space** at any one time is limited to the lesser of (with infants under one year of age not counting towards this limit):
 - (i) the number calculated by dividing the total area of the indoor space accessible to members of the public (measured in square metres) by 4; and
 - (ii) 300; and

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

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

Note: a carer, parent or guardian of a person with a disability is not counted in these limits. If a carer, parent or guardian of a person with a disability is a carer, parent or guardian of any other child or dependant, and the person cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave the child or dependant unattended so that the person can participate or supervise without the child or dependant, then the child or dependant may accompany the person when participating or supervising.

- (c) the number of members of the public permitted in any indoor **seated space** at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:
 - (i) 50 per cent of the maximum seated space capacity; and
 - (ii) 300; and

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

- (d) any shared equipment is **cleaned** between users; and
- (e) where the maximum capacity for the facility in accordance with these directions is 500 persons or more, a **COVIDSafe Plan** for the facility is published on the facility's Internet site; and
- (f) where the facility is a cardio or strength training facility or includes a staffed cardio or strength training facility:
 - (i) the number of persons permitted in each indoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (A) when the cardio or strength training facility is **staffed**, the number calculated by dividing the total area of all indoor space accessible to members of the public (measured in square metres) by 4; and

- (B) when the cardio or strength training facility is not staffed, the number calculated by dividing the total area of all indoor space accessible to members of the public (measured in square metres) by 8; and
- (C) 300; and
- (ii) when the cardio or strength training facility is staffed, the facility has a **COVID Marshal** onsite during the operating hours of the cardio or strength training facility; and

Note: the COVID Marshal may be a person conducting or leading a group, class or session in the cardio or strength training facility.
- (iii) when the cardio or strength training facility is not staffed, the person makes **disinfectant** and other cleaning products available to persons at the facility.

Outdoor physical recreation and outdoor community sport

(4) A person who owns, controls or operates a facility under subclause (2)(a) (indoor sport or physical recreational facility), (2)(b) (outdoor sport or physical recreational facility), (2)(c) (personal training facility) or (2)(d) (cardio or strength training facility) in the State of Victoria may operate that facility for the purposes of outdoor physical recreation and outdoor community sport (in accordance with clause 6) by members of the public if:

- (a) all outdoor physical recreation and outdoor community sport is conducted in an outdoor space; and
- (b) the number of persons permitted in each outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:
 - (i) if the person uses **electronic record-keeping**, the number permitted by the **density quotient**; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and
 - (iii) 1000; and

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

Note 2: the reference to the number of persons in paragraph (b) includes spectators.

- (c) subject to paragraph (b), the number of persons permitted in each group, class or session in an outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit) 100; and

Note: a carer, parent or guardian of a person with a disability is not counted in these limits. If a carer, parent or guardian of a person with a disability is a carer, parent or guardian of any other child or dependant, and the person cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave the child or dependant unattended so that the person can participate or supervise without the child or dependant, then the child or dependant may accompany the person when participating or supervising.

- (d) the number of members of the public permitted in any seated outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:
 - (i) 75 per cent of the maximum seated space capacity; and
 - (ii) 1000; and

Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.
- (e) a reasonable distance can be maintained between each group, class or session at all times; and
- (f) any shared equipment is cleaned between users; and
- (g) where the maximum capacity for the facility in accordance with these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site.

Play centre, indoor skatepark or indoor trampolining centre

- (5) A person who owns, controls or operates a facility under subclause (2)(e) (play centre), (2)(f) (skatepark in an indoor space) or (2)(g) (trampolining centre in an indoor space) in the State of Victoria may operate that facility if:
 - (a) the number of persons permitted in each indoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the number calculated by dividing the total area of indoor space accessible to members of the public (measured in square metres) by 4; and
 - (b) where the maximum capacity for the facility in accordance with these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site.

6 Community sport

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

Example: running and cycling are individual events.

Note: a carer, parent or guardian of a person with a disability is not counted in these limits. If a carer, parent or guardian of a person with a disability is a carer, parent or guardian of any other child or dependant, and the person cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave the child or dependant unattended so that the person can participate or supervise without the child or dependant, then the child or dependant may accompany the person when participating or supervising.

7 Community facilities

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

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

- (2) A **community facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a community centre or community hall;
 - (b) a public library (including a toy library, but not the **State Library**);
 - (c) a youth centre;
 - (d) a **playground**;
 - (e) a skatepark or trampolining centre in an outdoor space;
 - (f) outdoor communal exercise equipment;

but does not include:

- (g) a creative arts facility;
 - (h) a physical recreational facility;
 - (i) a swimming pool, hydrotherapy pool, spa, sauna, steam room or spring.
- (3) A person who owns, controls or operates a community facility in the State of Victoria may operate that facility for members of the public if:
- (a) any wedding or funeral is compliant with the requirements of the **Stay Safe Directions (Victoria)**; and
 - (b) subject to paragraph (c), the number of persons permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and

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

- (c) any dancefloor is operated in accordance with clause 18.
- (4) Despite subclause (3), a person who operates a community facility for the purpose of:
- (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or

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

- (b) providing an exclusive venue for the exclusive use of a single school outside school hours at any one time for educational or school gathering purposes,
- is not required to comply with the limits in subclause (3)(b) and (c).

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

8 Entertainment facilities

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

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

- (2) An **entertainment facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a theatre;
 - (b) a cinema;
 - (c) a music hall, concert hall or auditorium;
 - (d) a gallery or a museum;
 - (e) the State Library;
 - (f) an arena or stadium;
 - (g) an arcade;
 - (h) an amusement park;

- (i) a **casino**, except to the extent of:
 - (i) providing food and drink in accordance with clause 12; or
 - (ii) providing accommodation in accordance with clause 13;
- (j) a **retail betting venue**;
- (k) a **gaming machine area**;
- (l) a **brothel, sex on premises venue** or **sexually explicit entertainment venue**;
- (m) a **bingo centre**;
- (n) an escape room;
- (o) an **animal facility**;
- (p) a **karaoke facility**;
- (q) a **nightclub**;
- (r) a convention centre.

Seated entertainment facility

- (3) A person who owns, controls or operates a facility in subclause (2)(a) (theatre), (2)(b) (cinema) except for a drive-in cinema, (2)(c) (music hall, concert hall or auditorium), (2)(f) (arena or stadium) in the State of Victoria may operate the facility if:
- (a) the number of members of the public permitted at any one time in the facility is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the facility is in an outdoor space, 75 per cent of the total maximum seated space capacity in the facility; and
 - (ii) if the facility is in an indoor space, 50 per cent of the total maximum seated space capacity in the facility; and
 - (b) for each seated space in the facility:
 - (i) all activities are ticketed; and
 - (ii) the number of members of the public permitted in the seated space at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:
 - (A) if the seated space is in an outdoor space:
 - a. 75 per cent of the maximum seated space capacity; and
 - b. 1000; and
 - (B) if the seated space is in an indoor space:
 - a. 50 per cent of the maximum seated space capacity and
 - b. 300; and
- Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.*
- (c) subject to paragraph (g), the number of members of the public permitted in each **non-seated space** at the facility at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the non-seated space accessible to members of the public (measured in square metres) by 4; and

- (iii) if the non-seated space is in an indoor space, the lesser of:
 - (A) the applicable density cap set out in subclauses 8(3)(c)(i) and (ii) above; and
 - (B) 300; and
 - (d) entry to, and egress from, a seated space or a non-seated space is monitored and staggered, where possible, to ensure compliance with the limits that apply in paragraphs (b)(ii) and (c); and
 - (e) where the maximum capacity for the facility under these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; and
 - (f) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
 - (g) any dancefloor is operated in accordance with clause 18.
- (4) Despite subclause (3), a person who operates a facility described in subclause (3) for the purpose of providing an exclusive venue for the exclusive use of a single school outside school hours at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (3)(a) to (d) and (g).

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

Non-seated indoor entertainment facility

- (5) A person who owns, controls or operates a facility in subclause (2)(d) (gallery or a museum), (2)(e) (State Library), (2)(o) (animal facility) or (2)(r) (convention centre) in the State of Victoria may operate the facility if:
- (a) the number of members of the public permitted at any one time in the facility is limited to (with infants under one year of age not counting towards this limit) 50 per cent of the maximum capacity for the facility stated in the **occupancy permit** for the facility; and
 - (b) subject to paragraph (g), the number of members of the public permitted in each **non-seated indoor space** at any one time is limited to the lesser of (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the non-seated indoor space accessible to members of the public (measured in square metres) by 4; and
 - (iii) 300; and
 - (c) subject to paragraph (g), the number of members of the public permitted in each **non-seated outdoor space** at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the non-seated outdoor space accessible to members of the public (measured in square metres) by 4; and
 - (d) subject to paragraph (g), the number of members of the public permitted in each seated space at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:

- (i) if the seated space is in an outdoor space:
 - (A) 75 per cent of the maximum seated space capacity; and
 - (B) 1000; and
 - (ii) if the seated space is in an indoor space:
 - (A) 50 per cent of the maximum seated space capacity; and
 - (B) 300; and
- Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.*
- (e) where the maximum capacity for the facility under these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; and
 - (f) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
 - (g) any dancefloor is operated in accordance with clause 18.
- (6) Despite subclause (5), a person who operates a facility described in subclause (5) for the purpose of providing an exclusive venue for the exclusive use of a single school outside school hours at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (5)(a) to (c) and (f).

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

Non-seated outdoor entertainment facility

- (7) A person who owns, controls or operates a facility in subclause (2)(d) (gallery or a museum) or (2)(o) (animal facility) in the State of Victoria may operate the facility if:
- (a) subject to paragraph (f), the number of members of the public permitted in each non-seated outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the non-seated outdoor space accessible to members of the public (measured in square metres) by 4; and
 - (b) subject to paragraph (f), the number of members of the public permitted in each non-seated indoor space at any one time is limited to the lesser of (with infants under one year of age not counting towards this limit):
 - (i) the applicable density cap set out in subclauses 8(7)(i) and (ii) above; and
 - (ii) 300; and
 - (c) subject to paragraph (f), the number of members of the public permitted in each seated space at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:
 - (i) if the seated space is in an outdoor space:
 - (A) 75 per cent of the maximum seated space capacity; and
 - (B) 1000; and

- (ii) if the seated space is in an indoor space:
 - (A) 50 per cent of the maximum seated space capacity; and
 - (B) 300; and

Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.
- (d) where the maximum capacity for the facility under these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; and
- (e) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
- (f) any dancefloor is operated in accordance with clause 18.
- (8) Despite subclause (7), a person who operates a facility described in subclause (7) for the purpose of providing an exclusive venue for the exclusive use of a single school outside school hours at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (7)(a), (b) and (e).

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

Drive-in cinema

- (9) A person who owns, controls or operates a drive-in cinema in the State of Victoria may operate the facility if:
 - (a) the cinema is in an outdoor space accessed by **vehicles**; and
 - (b) the total number of members of the public permitted in each indoor space (other than the indoor space of a vehicle) or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and

Note: members of the public are permitted to leave a vehicle to access toilet facilities or a food and drink facility.
 - (c) where the maximum capacity for the facility in accordance with these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; and
 - (d) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Amusement park

- (10) A person who owns, controls or operates a facility in subclause (2)(h) (amusement park) in the State of Victoria may operate the facility if:
 - (a) the number of members of the public permitted in the facility at any one time is limited to (with infants under one year of age not counting towards this limit) 75 per cent of the maximum capacity for the facility stated in the occupancy permit for the facility; and

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

- (b) subject to paragraph (g), the number of members of the public permitted in each indoor space at any one time is limited to (with infants under one year of age not counting towards this limit) to the number calculated by dividing the total area of the indoor space accessible to members of the public (measured in square metres) by 4; and
- (c) subject to paragraph (g), the number of members of the public permitted in each outdoor space at facility at any time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the outdoor space accessible to members of the public (measured in square metres) by 4; and
- (d) where the maximum capacity for the facility in accordance with these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; and
- (e) any food and drink facility operates in accordance with clause 12; and
- (f) all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility, are made; and
- (g) any dancefloor is operated in accordance with clause 18.

Casino

- (11) A person who owns, controls or operates a facility in subclause (2)(i) (casino) in the State of Victoria may operate the facility if:
- (a) the person uses electronic record-keeping; and
 - (b) the number of members of the public permitted in the facility at any one time is limited to 50 per cent of the maximum capacity for the facility stated in the occupancy permit; and
 - (c) subject to paragraph (j), the number of members of the public permitted in each indoor space at any one time is limited to the lesser of:
 - (i) the number calculated by dividing the total area of the indoor space accessible to members of the public (measured in square metres) by 4; and
 - (ii) 300; and
 - (d) each **gaming machine** at the facility is either:
 - (i) a distance of at least 1.5 metres from any other gaming machine; or
 - (ii) not adjacent to a gaming machine permitted to be available for use by members of the public; and

Note: gaming machines must be at least 1.5 metres from each other or where adjacent to each other (whether arranged in a row or in another formation), at least every second gaming machine must be disabled from game play.
 - (e) the space available is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
 - (f) the person:
 - (i) requires **workers** to complete an online COVID-19 training package arranged by the person that addresses personal hygiene, physical distancing and symptom awareness; and
 - (ii) retains security camera footage for at least 14 days after it is recorded; and

- (g) members only areas permit access only by swipe card; and
- (h) a COVIDSafe Plan for the facility is published on the facility's Internet site; and
- (i) the facility has a COVID Marshal onsite during the operating hours of the facility; and
- (j) any dancefloor is operated in accordance with clause 18.

Retail betting venue

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

Gaming machine area

- (13) A person who owns, controls or operates a gaming machine area in the State of Victoria in a facility other than a facility in subclause (2)(i) (casino) may operate the facility if:

- (a) the person uses electronic record-keeping; and
- (b) subject to paragraph (f), the total number of members of the public permitted in the gaming machine area at any one time is limited to the number calculated by dividing the total area of the gaming machine area accessible to members of the public (measured in square metres) by 4; and

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

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

Note: gaming machines must be at least 1.5 metres from each other or where adjacent to each other (whether arranged in a row or in another formation), at least every second gaming machine must be disabled from game play.

- (d) the space available is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
- (e) the facility has a COVID Marshal onsite during the operating hours of the gaming machine area; and
- (f) any dancefloor is operated in accordance with clause 18.

Brothel, sex on premises venue or sexually explicit entertainment venue

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

- (a) the person uses electronic record-keeping; and
- (b) the total number of members of the public permitted in the facility at any one time is limited to the lesser of:
 - (i) the number calculated by dividing the total area of all indoor space and outdoor space accessible to members of the public (measured in square metres) by 4; and

- (ii) 100; and

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

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

- (c) subject to paragraph (e), the number of members of the public permitted in each indoor space or outdoor space at any one time is limited to the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and
- (d) all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility, are made; and
- (e) any dancefloor is operated in accordance with clause 18.
- (15) A person who owns, operates or controls a sexually explicit entertainment venue may operate that facility if:
- (a) the person uses electronic record-keeping; and
- (b) subject to paragraph (d), the number of members of the public permitted in each indoor space at any one time is limited to the number calculated by dividing the total area of the indoor space accessible to members of the public (measured in square metres) by 4; and
- (c) all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility, are made; and
- (d) any dancefloor is operated in accordance with clause 18.

Karaoke facility

- (16) A person who owns, controls or operates a facility in subclause (2)(p) (karaoke facility) in the State of Victoria may operate the facility if:
- (a) the person uses electronic record-keeping; and
- (b) subject to paragraph (d), the number of members of the public permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and
- (c) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility, are made; and
- (d) any dancefloor is operated in accordance with clause 18.

Arcade, escape room, bingo centre

- (17) A person who owns, controls or operates a facility in subclause (2)(g) (arcade), (2)(m) (bingo centre) or, (2)(n) (escape room) in the State of Victoria may operate the facility if:
- (a) subject to paragraph (d), the number of members of the public permitted in each indoor or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
- (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
- (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and

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

Nightclub

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

9 Places of worship

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

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

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

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

10 Restricted retail facilities

- (1) A person who owns, controls or operates a **restricted retail facility** in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A **restricted retail facility** means the following:
 - (a) a **beauty and personal care facility**; and
 - (b) a **hairdressing facility**.
- (3) A person who owns, controls or operates a restricted retail facility in the State of Victoria may operate that facility if the number of persons permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (a) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (b) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4.

11 Pubs, bars, clubs, nightclubs and hotels

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

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*
- (2) A **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer's licence** or a **club licence**.
- (3) A person who owns, controls or operates a licensed premises in the State of Victoria may operate that premises for the purposes of:
 - (a) operating a **bottleshop**; or
 - (b) operating a retail betting venue in accordance with clause 8(12); or
 - (c) operating a gaming machine area in accordance with clause 8(13); or
 - (d) operating a sexually explicit entertainment venue in accordance with clause 8(14);
 - (e) operating a karaoke facility in accordance with clause 8(16); or
 - (f) operating a nightclub facility in accordance with clause 8(18); or
 - (g) providing food or drink in accordance with clause 12; or
 - (h) providing accommodation in accordance with clause 13; or
 - (i) operating a dancefloor in accordance with clause 18.

12 Food and drink facilities

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

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

- (2) A **food and drink facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a cafe;
 - (b) a restaurant;
 - (c) a fast-food store;
 - (d) a cafeteria;
 - (e) a canteen;
 - (f) a winery;
 - (g) **food court**.

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

- (3) For the purposes of this clause:
- (a) **communal or shared space** means toilets, separate hallways, separate foyers or playgrounds at the facility;
 - (b) **outdoor** means:
 - (i) a space with no **roof**; or
 - (ii) an open-air space designated for the consumption of food and/or beverages, which may have a roof so long as at least 2 sides of the space do not have **walls**;

Examples: outdoor spaces may include a balcony, a veranda, a courtyard, a rooftop, a marquee, a street or footpath, or any similar outdoor space.
 - (c) **roof** means any structure or device (whether temporary, fixed or movable) that prevents or significantly impedes upward airflow, including a ceiling or awning;
 - (d) **wall** means any structure (whether fixed or movable) that prevents or significantly impedes lateral airflow, notwithstanding if it has a window or door.

Food and drink facility is a food court

- (4) A person who owns, controls or operates a food court may operate that food court for the purpose of permitting members of the public to consume food or drinks if:
- (a) subject to paragraph (b), the number of members of the public permitted in each indoor space or outdoor space at a food court at any one time is limited to the density quotient; and
 - (b) any dancefloor is operated in accordance with clause 18.

Food and drink facility is not a food court

- (5) A person who owns, operates or controls a food and drink facility that is not located inside a food court may operate that facility if:
- (a) subject to paragraph (c), where the total area of all indoor spaces and outdoor spaces accessible to members of the public (but excluding all communal or shared space) at the facility is less than 50 square metres, the number of members of the public permitted in the facility at any one time is limited to (with any infant under one year of age not counting in this limit):
 - (i) if the person uses electronic record-keeping, 25; or
 - (ii) if the person does not use electronic record keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (but excluding all communal or shared space) (measured in square metres) by 4; and
 - (b) subject to paragraph (c) where the total area of all indoor spaces and outdoor spaces accessible to members of the public (but excluding all communal or shared space) at the facility is 50 square metres or more, the number of

members of the public permitted in each indoor space or outdoor space at any one time is limited to (with any infant under one year of age not counting in this limit):

- (i) if the person uses electronic record-keeping, the number permitted by the density quotient; or
- (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (but excluding all communal or shared space) (measured in square metres) by 4; and

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

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

- (c) any dancefloor is operated in accordance with clause 18.
- (6) Despite subclause (5), a person who operates a food and drink facility that is not located inside a food court for the purpose of providing an exclusive venue for the exclusive use of a single school outside school hours at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (5).

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

13 Accommodation facilities

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

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

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

Permitted operations – tourism

- (3) A person who owns, controls or operates an accommodation facility in the State of Victoria may operate that facility for the purposes of tourism if:
- (a) each group booking complies with the private gathering limits of the **Stay Safe Directions (Victoria)**; and

- (b) persons from separate bookings do not share bedrooms at the facility; and
- (c) surfaces accessible in the accommodation facility exclusively to a particular group, including a hotel room or cabin, are cleaned between groups; and
- (d) any arrangement by members of the public to visit a person or group staying at an accommodation facility complies with the private gathering limits of the **Stay Safe Directions (Victoria)**; and
- (e) subject to paragraph (f), the number of persons permitted in each indoor or outdoor communal or shared accommodation space at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor or outdoor communal or shared accommodation space (measured in square metres) by 4; and
- (f) any dancefloor is operated in accordance with clause 18.

Accommodation facilities – other

- (4) A person who owns, controls or operates an accommodation facility in the State of Victoria may operate that facility for the purposes of providing accommodation:
 - (a) to a person whose place of residence is the accommodation facility; or
 - (b) to a person who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria; or
 - (c) to a person who has a permanent place of residence in Victoria, but that place is temporarily unavailable; or
 - (d) to a person, on a temporary basis, for work purposes; or
 - (e) to a person who was a temporary guest of the accommodation facility on the date that these directions were given; or
 - (f) to a person who requires emergency accommodation, including in relation to family violence and other vulnerable groups; or
 - (g) to a person who requires accommodation for work purposes, where their work is for the purposes of responding to the state of emergency in existence under the PHW Act; or
 - (h) to a person who is subject to a **Direction and Detention Notice** or the **Diagnosed Persons and Close Contacts Directions**; or
 - (i) as an exclusive facility for a single school at any one time for educational purposes.

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

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

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

Private or personal use

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

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

- (3) A person who owns, controls or operates a swimming pool, hydrotherapy pool, spa, sauna, steam room or spring in the State of Victoria may operate the facility to permit members of the public to use the swimming pool, hydrotherapy pool, spa, sauna, steam room or spring and facilities if:
- (a) the number of persons permitted in each indoor space (including any water or non-water part) at any one time is limited to (with infants under one year of age not counting towards this limit) the number calculated by dividing the total area of the indoor space (measured in square metres) by 4; and
 - (b) the number of persons permitted in each outdoor space (including any water or non-water part) at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the outdoor space (measured in square metres) by 4; and
 - (c) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.
- (4) Despite subclause (3), a person who operates a swimming pool, hydrotherapy pool, spa, sauna, steam room or spring in the State of Victoria is not required to comply with the limits in subclause (3) if the swimming pool, hydrotherapy pool, spa, sauna, steam room or spring is only available for:
- (a) members of the public participating in community sport in accordance with clause 6; or
Note: participation in a community sport includes training for an organised competition.
 - (b) the exclusive use of a single school at any one time for educational purposes.
Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational purposes if family and friends of students and staff are permitted to attend.

15 Real estate inspections and auctions

- (1) An **estate agent** in the State of Victoria may only organise inspections and auctions for the sale or rental of **real estate** in the State of Victoria during the restricted activity period in accordance with these directions.
- (2) An estate agent may organise inspections and auctions for the sale or rental of real estate in the State of Victoria if the number of persons permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
- (a) if the estate agent uses electronic record-keeping, the number permitted by the density quotient; and
 - (b) if the estate agent does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4.

16 Tourism services

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

Tourism services by vehicle

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

Other tourism services

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

17 Creative arts facilities

- (1) A person who owns, controls or operates a creative arts facility in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A **creative arts facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) an art studio;
 - (b) a ceramics studio;
 - (c) a music room or studio;
 - (d) a rehearsal room or studio;
- but does not include:
- (e) a physical recreation facility;
 - (f) a community facility;
 - (g) a place of worship.
- (3) A person who owns, controls or operates a creative arts facility in the State of Victoria may operate that facility for use by members of public if:
- (a) subject to paragraph (b), the number of persons permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and
 - (b) any dancefloor is operated in accordance with clause 18.

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

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

18 Dancefloors

- (1) A person who owns, controls or operates any facility in the State of Victoria may only operate a dancefloor at the facility if the number of persons permitted on the dancefloor at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:

- (a) the number calculated by dividing the total area of the dancefloor (measured in square metres) accessible to members of the public by 4; and
(b) 50.

- (2) Despite subclause (1), a person who operates a dancefloor at a facility for the purpose of providing an exclusive venue for the exclusive use of a single school outside school hours at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (1).

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

19 Public Events

- (1) For the purpose of this clause:

- (a) **eligible public event** means an organised public gathering for a common purpose on a for profit or not-for-profit basis which is:

- (i) an event (or a series of events):
(a) conducted on a one-off or periodic basis; and
(b) open to members of the public; and
(c) which may be subject to specific licences, approvals or permits; and

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

- (d) publicly announced or advertised; and
(e) which may be in a facility, venue or space where such an event (or a series of events) forms part of the routine operations, use, activities or services of the facility, venue or space; or
(ii) an event (or series of events) deemed by the Victorian Government to be a State-critical public event (or a series of events),

Examples: an exhibition, sport event, festival, fair, parade, performance or trade show.

but does not mean:

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

Note: most public gatherings in a facility, venue or space (including any indoor space or outdoor space) are expected to remain subject to the requirements in these directions, including clause 12 (food and drink facilities).

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

20 Emergency use and operations

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

21 Relationship with other directions

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

22 Other definitions

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 13(2);
- (2) **animal facility** means the following:
 - (a) a **zoological park**;
 - (b) a wildlife centre;
 - (c) a petting zoo;
 - (d) an aquarium;
 - (e) an animal farm that is not being operated for the purpose of producing food;
- (3) **beauty and personal care facility** means the following:
 - (a) a beauty therapy salon, waxing salon or nail salon;
 - (b) a wellness spa;
 - (c) a massage parlour;
 - (d) a tattoo, body art or piercing studio;
- (4) **bingo centre** means a facility that:
 - (a) is operated by a bingo centre operator or community or charitable organisation under Chapter 8 of the **Gambling Regulation Act 2003**, that offers bingo or any similar game; or
 - (b) conducts bingo which is open to **members of the public**;
- (5) **bottleshop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the premises;
- (6) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (7) **cardio or strength training facility** means a facility used predominantly for cardio, weight or strength training, including any cardio or strength training facility located wholly or partly within any other facility (including a physical recreational facility);
- (8) **Care Facilities Directions** means the **Care Facilities Directions (No. 22)** as amended or replaced from time to time;
- (9) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (10) **cleaned** has the same meaning as in the **Workplace Directions**;
- (11) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (12) **communal or shared space** has the meaning in clause 12(3);
- (13) **communal or shared accommodation space** has the meaning in clause 13(2);
- (14) **community facility** has the meaning in clause 7(2);
- (15) **COVID Marshal** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;
- (16) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (17) **creative arts facility** has the meaning in clause 17(2);
- (18) **density quotient** has the same meaning as in the **Workplace Directions**;
- (19) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 16)** as amended or replaced from time to time;

- (20) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (21) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (22) **disinfectant** means a disinfectant:
- (a) the label of which states a claim by the manufacturer that the disinfectant has anti-viral properties; or
 - (b) made by a person according to instructions issued by the Department of Health;
- (23) **electronic record-keeping** means record-keeping by electronic means, including an electronic booking system or registration system using a QR code, for the purpose of compliance with the **records requirement**;
- (24) **entertainment facility** has the meaning in clause 8(2);
- (25) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (26) **face covering** has the same meaning as in the **Workplace Directions**;
- (27) **food and drink facility** has the meaning in clause 12(2);
- (28) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (29) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**;
- (30) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (31) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (32) **hairdressing** has the same meaning as in the PHW Act;
- (33) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the PHW Act;
- (34) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (35) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 20)** as amended or replaced from time to time;
- (36) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (37) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are temporary (in a physical recreational facility, food and drink facility or creative arts facility only) or permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;
- (38) **karaoke facility** means a facility used predominately for karaoke by members of the public;
- Example: a facility with private rooms for use by members of the public for karaoke is a karaoke facility. A bar with one open karaoke stage is not a karaoke facility.*
- (39) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (40) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (41) **licensed premises** has the meaning in clause 11(2);
- (42) **member of the public**, in relation to a facility or venue, means a person other than:
- (a) a person who is an employee of an operator of the facility or venue; or
 - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (43) **nightclub** means a facility:
- (a) to which a late night licence applies; and
 - (b) with a dancefloor; and

- (c) which does not serve food prepared at the facility for consumption on the premises;
- (44) **non-seated indoor space** means an **indoor space**, where persons move through the facility and are not expected to remain seated and are unlikely to congregate;
- (45) **non-seated outdoor space** means an **outdoor space**, where persons move through the facility, are not expected to remain seated and are unlikely to congregate;
- Note: this can include settings such as outdoor animal facilities.*
- (46) **non-seated space** means a **non-seated indoor space** or a **non-seated outdoor space**;
- (47) **occupancy permit** means an occupancy permit issued in accordance with the **Building Act 1993**;
- (48) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (49) **outdoor space** means a space that is not an **indoor space**;
- (50) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (51) **physical recreational facility** has the meaning in clause 5(2);
- (52) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (53) **play centre** means a **premises**, whether indoor or outdoor, that has play equipment to be used predominantly by children under the age of 12 years, but does not mean a **playground**;
- (54) **playground** means outdoor play equipment in a public park that is accessible to members of the public;
- (55) **premises** has the same meaning as in the PHW Act;
- (56) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (57) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (58) **records requirement** has the same meaning as in the **Workplace Directions**;
- (59) **residential aged care facility** has the same meaning as in the **Care Facilities Directions**;
- (60) **restricted activity period** has the meaning in clause 4;
- (61) **retail betting venue** means a **premises**, or part of a premises, operated by the **wagering and betting licensee**, the **keno licensee** or an agent of the wagering and betting licensee or keno licensee;
- (62) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (63) **seated space** means a space with fixed seating;
- (64) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (65) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (66) **sexually explicit entertainment venue** means a venue at which **sexually explicit entertainment** is provided;
- (67) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (68) **staffed**, in relation to a facility or venue, means when a **worker** of the facility or venue is present in their capacity as a worker during the operating hours of the facility;
- (69) **State Library** means the State Library Victoria;

- (70) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 15)** as amended or replaced from time to time;
- (71) **tourism operator** means a person:
- (a) granted a tour operator licence under:
 - (i) section 21B of the **Crown Land (Reserves) Act 1978**; or
 - (ii) section 57F of the **Forests Act 1958**; or
 - (iii) section 140I of the **Land Act 1958**; or
 - (iv) section 27D of the **National Parks Act 1975**; or
 - (v) section 21B of the **Wildlife Act 1975**;
 - (b) providing a tour of an **entertainment facility**;
- (72) **tourism services** means an activity, guided tour or recreation programme conducted or coordinated by an employee or officer of a **tourism operator** that is undertaken for profit for tourism purposes including, but not limited to, ballooning, a walking or bushwalking tour, a bicycle tour, abseiling, rock climbing, canoeing, kayaking, white water rafting, diving, snorkelling, horse trail riding, marine based tours and surfing, or a guided tour of a museum or gallery;
- (73) **vehicle** has the same meaning as in the PHW Act;
- (74) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (75) **worker** has the same meaning as in the **Workplace Directions**;
- (76) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 17)** as amended or replaced from time to time;
- (77) **Workplace Directions** means the **Workplace Directions (No. 20)** as amended or replaced from time to time;
- (78) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

23 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Dated 17 February 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

Hospital Visitor Directions (No. 20)

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

1 Preamble

- (1) The purpose of these directions is to prohibit non-essential visits and access to **hospitals** in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) within a particularly vulnerable population,
- (2) These directions replace the **Hospital Visitor Directions (No. 19)**.

2 Citation

- (1) These directions may be referred to as the **Hospital Visitor Directions (No. 20)**.
- (2) A reference in any other direction to the **Hospital Visitors Directions (No. 19)** is taken to be a reference to these directions.

3 Revocation

The **Hospital Visitor Directions (No. 19)** are revoked at 11:59:00 pm on 17 February 2021.

4 Prohibition on entry

- (1) A person must not enter, or remain at, a hospital in Victoria between (and including) 11:59:00 pm on 17 February 2021 and 11:59:00 pm on 26 February 2021 unless:
 - (a) the person is a **patient** of the hospital; or
 - (b) the person is a **worker** in relation to the hospital, as defined in clause 5; or
 - (c) the person is a **visitor** in relation to a patient of the hospital, as defined in clause 6, and the person's visit complies with the limits in that clause; or
 - (d) the person is present in an area of the hospital in respect of which an exemption under clause 7 is in force.

Excluded persons

- (2) Despite subclause (1), a worker or a visitor to a patient, or a person referred to in subclause (1)(d) must not enter or remain at a hospital in Victoria between (and including) 11:59:00 pm on 17 February 2021 and 11:59:00 pm on 26 February 2021 if:
 - (a) the person has been diagnosed with SARS-CoV-2, and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions**; or
 - (b) during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia other than a person arriving on a **quarantine-free flight** from an overseas location designated by the Australian Government as a green travel zone; or
 - (c) during the 14 days immediately preceding the entry, the person had known contact with a person who has been diagnosed with SARS-CoV-2; or

*Note: a person who has had known contact with a person who has been diagnosed with SARS-CoV-2 may also be required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions**.*

- (d) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection; or
- (e) in the case of a visitor—the person has been tested for SARS-CoV-2, and has not yet received the results of that test.

Hospital may permit certain excluded persons to visit

- (3) Despite subclause (2), a person referred to in subclause (2)(a) may enter or remain at a hospital if:

- (a) the person is:
 - (i) the **parent, carer or guardian** of the patient, or has temporary care of the patient, and the purpose of the visit is to breastfeed the patient; or
 - (ii) a person whose presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
 - (iii) an immediate family member of a patient whose medical condition is life threatening; and
- (b) the person is authorised to enter or remain at the hospital by:
 - (i) an officer of the hospital with the position of Executive Director Nursing or equivalent; and
 - (ii) the Chief Health Officer or Deputy Chief Health Officer.

*Note: a person who has been diagnosed with SARS-CoV-2 and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions** may be authorised to visit the hospital under this subclause. Such authorisation has to be given by the hospital and the Chief Health Officer or the Deputy Chief Health Officer, and can be subject to conditions: see subclause (6).*

- (4) Despite subclause (2), a person referred to in subclause (2)(b), (c) or (e) may enter or remain at a hospital if:

- (a) the person is:
 - (i) the parent, carer or guardian of the patient, or has temporary care of the patient; or
 - (ii) the partner or support person of a pregnant patient of the hospital, and the purpose of the visit is to attend the birth of the patient's child; or
 - (iii) a person whose presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
 - (iv) an immediate family member of a patient whose medical condition is life threatening; and
- (b) the person is authorised to enter or remain at the hospital by an officer of the hospital with the position of Executive Director Nursing and Midwifery or equivalent.

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

- (5) A person permitted to enter or remain at a hospital under subclause (4) must comply with any directions or conditions imposed in relation to their visit by the officer of the hospital who authorised their visit under subclause (4)(b).
- (6) A person permitted to enter or remain at a hospital under subclause (3) must comply with any directions or conditions imposed in relation to their visit by either or both of:
- (a) the officer of the hospital who authorised their visit under subclause (3)(b)(i); and
 - (b) the Chief Health Officer or the Deputy Chief Health Officer.

- (7) An officer of the hospital referred to in subclause (3)(b)(i) or subclause (4)(b) as the case may be, must keep, in relation to each person to whom they give authorisation under that subclause, a record of:
- (a) the contact details of the person; and
 - (b) the date and time at which that person entered and left the hospital, for at least 28 days from the day the authorisation is given.

5 Definition of worker

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

6 Definition of visitor, limits on visits

- (1) A person is a **visitor** in relation to a patient of a hospital if:
- (a) the person is described in one of subclauses (2)(a)–(m); and
 - (b) the person's visit to the hospital satisfies the limits specified in italics below the relevant subclause.
- (2) A person may visit a patient in a hospital if:
- (a) the person visiting the patient is alone, or with any other person (or people) who ordinarily resides at the same premises as the person visiting; or
- Limit: only 1 household (to a maximum of 5 people) once per day for a maximum of 1 hour.*
- Note 1: parents/carers/guardians may continue to visit infants or children under 18 years at the same time, for unlimited periods, under paragraph (b).*
- (b) in the case of a patient of the hospital aged under 18 years—the person is the parent or guardian of the patient or has temporary care of the patient; or
- Limit: maximum of two parents, carers or guardians at any one time for an admitted child (under 18 years).*
- Example: as parents, carers or guardians are a critical part of a child's care team, there may be times during an in-patient stay when it is necessary for two parents, carers or guardians to be with their child at any one time to enable informed shared decision making and care provision.*
- (c) in the case of a patient of the hospital aged 18 years or over—the person is the parent, guardian, partner, carer or support person of the patient, and the person's presence at the hospital is for the purpose of providing emotional and social support to the patient that cannot be provided by that person via electronic or other non-contact means; or
- Limit: only 1 visitor, once per day, for a maximum of 1 hour.*

- (d) the person's presence at the hospital is for the purposes of providing essential care and support necessary for the patient's immediate physical wellbeing that optimises the care and support delivered by workers at the hospital and cannot be provided by that person via electronic means; or
Limit: only 1 visitor at any one time.
Example: providing ongoing support, assistance or personal care to a patient with activities of daily living such as showering, dressing, or meals.
- (e) the person's presence at the hospital is for the purposes of providing essential care and support necessary for the patient's immediate emotional and social wellbeing (including mental health support) that optimises the care and support delivered by workers at the hospital and cannot be provided by that person via electronic means; or
Limit: only 1 visitor at any one time.
Example: the person's physical presence is necessary to support individual behaviours of concern, such as for people living with dementia or who have a known or emerging serious mental illness.
- (f) the person's presence at the hospital is for the purposes of providing interpreter or informal language support to enable the delivery of care by workers at the hospital; or
Limit: only 1 visitor at any one time.
- (g) in the case of a pregnant patient of the hospital whose status as a patient relates to the pregnancy—the person is the patient's partner or support person; or
Limit: only 1 visitor at any one time.
- (h) in the case of a patient of the hospital who is in a maternity ward—the person is the patient's partner or support person; or
Limit: only 1 visitor, once per day.
- (i) in the case of a patient of the hospital attending at the hospital's emergency department—the person is accompanying the patient; or
Limit: only 1 visitor, once per day, for a maximum of 1 hour (if required).
- (j) in the case of a patient of the hospital attending an outpatient appointment—the person is accompanying the patient; or
Limit: only 1 visitor, once per day, for a maximum of 1 hour (if required).
- (k) the person's presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
Limit: maximum of 2 visitors at any one time.
- (l) in the case of a patient of the hospital whose medical condition is life threatening—the person is an immediate family member of the patient; or
Limit: maximum of 2 visitors at any one time.
- (m) in the case of a patient of the hospital who has a mental illness—the person is the patient's **nominated person** and the person's presence at the hospital is for the purposes of matters relating to their role as nominated person; or
Limit: only 1 visitor at any one time, for a maximum of 1 hour per visit.
- (n) the person's presence at the hospital is for the purposes of the person learning to support the patient's care upon the patient's discharge.
Limit: only 1 visitor, once per day, for a maximum of 1 hour.
Examples: learning how to care for a newborn, or to manage specific needs in a home setting.
- (3) Except in the situations referred to in subclause (2)(a), (b), (k) or (l), no more than 1 visitor may visit a patient at any one time.

7 Exemption power

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

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

8 Operator to take all reasonable steps

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

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

9 Definitions

For the purposes of these directions:

- (1) **contractor** in relation to a hospital means a person engaged as a contractor by the operator of the hospital in relation to the provision of health, medical or pharmaceutical services by the hospital;
Examples: visiting medical officers, locum doctors.
- (2) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 16)** as amended or replaced from time to time;
- (3) **end of life** in relation to a **patient**:
 - (a) means a situation where the patient's death is expected within days (including periods of 14 days or longer), or where the patient, with or without existing conditions, is at risk of dying from a sudden acute event;
 - (b) does not mean a situation where a patient has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the patient is expected to die within 12 months (except where the situation also falls within paragraph (a)).
- (4) **hospital** means:
 - (a) a public hospital;
 - (b) a denominational hospital;
 - (c) a multi-purpose service;
 - (d) a private hospital; or
 - (e) a day procedure centre;
- (5) **nominated person** in relation to a **patient** has the same meaning as in the **Mental Health Act 2014**;
- (6) **operator** of a **hospital** means a person who owns, controls or operates the hospital;

- (7) **parent, carer or guardian** in relation to a **patient** aged under 18 means an adult in a significant primary caring role, including biological, adoptive, or foster parents, kinship carers, step-parents and legal guardians;
- (8) **patient** of a **hospital** means a person who requests or is being provided with health, medical or pharmaceutical services by the hospital;
- (9) **quarantine-free flight** means a flight where no passenger on board is required to quarantine as a result of having been outside an Australian Government designated green travel zone in the 14 days prior to arrival in Victoria;
- (10) **Stay Safe Directions** means the **Stay Safe Directions (Victoria) (No. 15)** as amended or replaced from time to time;
- (11) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
- (a) disability;
 - (b) disability service;
 - (c) disability worker;
- (12) the following expressions have the same meanings as they have in the **Health Services Act 1988**:
- (a) day procedure centre;
 - (b) denominational hospital;
 - (c) multi-purpose service;
 - (d) public hospital; and
 - (e) private hospital.

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 17 February 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****Care Facilities Directions (No. 22)**

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

1 Preamble

- (1) The purpose of these directions is to make provision for restricted access to care facilities in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) within a particularly vulnerable population, balancing the need to limit the spread of SARS-CoV-2 against the broader responsibilities of care facilities to the physical, emotional and psychological wellbeing of their clients.
- (2) These directions replace the **Care Facilities Directions (No. 21)**.

2 Citation

- (1) These directions may be referred to as the **Care Facilities Directions (No. 22)**.
- (2) A reference in any other direction to the **Care Facilities Directions (No. 21)** is taken to be a reference to these directions.

3 Revocation

The **Care Facilities Directions (No. 21)** are revoked at 11:59:00 pm on 17 February 2021.

4 Definition of care facility

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

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

5 Prohibition on entry

- (1) A person must not enter, or remain on, the premises of a care facility between (and including) 11:59:00 pm on 17 February 2021 and 11:59:00 pm on 26 February 2021 unless:
 - (a) the person is a **resident** of the facility; or
 - (b) the person is a **worker** in relation to the facility, as defined in clause 6; or
 - (c) the person is a **visitor** in relation to the facility as defined in clause 7, and the person's visit complies with the limits in that clause.

Excluded persons

- (2) Despite subclause (1), a person who is a worker or a visitor in relation to a care facility must not enter, or remain on, the premises of the facility between (and including) 11:59:00 pm on 17 February 2021 and 11:59:00 pm on 26 February 2021 if:

- (a) the person is required to self-isolate under the **Diagnosed Persons and Close Contacts Directions**; or
 - (b) the person is required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; or
 - (c) during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia other than a person arriving on a **quarantine-free flight** from an overseas location designated by the Australian Government as a green travel zone; or
 - (d) during the 14 days immediately preceding the entry, the person had known contact with a **confirmed case** (except in the course of their employment while wearing the appropriate level of personal protective equipment in the circumstances); or
- Note: a person who has had known contact with a person who has been diagnosed with SARS-CoV-2 may also be required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions**.*
- (e) the person has **SARS-CoV-2 Symptoms**; or
 - (f) in the case of a visitor—the person has been tested for SARS-CoV-2, and has not yet received the results of that test.

Certain excluded persons may be permitted to visit a care facility

- (3) Despite subclause (2), a person referred to in subclause (2)(c) may enter, or remain on, the premises of the care facility if:
 - (a) the person's presence at the facility is for the purposes of providing **end of life** support to a resident of the care facility; and
 - (b) the person is authorised to enter or remain at the care facility by:
 - (i) an officer of the care facility with the position of Director of the facility or equivalent; and
 - (ii) the Chief Health Officer, or a person authorised by the Chief Health Officer to exercise this power of authorisation.
- (4) A person authorised to enter or remain at the care facility under subclause (3) must comply with any directions or conditions to which that authorisation is subject.

6 Definition of worker

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

Examples: hairdressing, diversional and recreational therapies, music therapies.
 - (iv) other support services; or

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

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

7 Definition of visitor, limits on visits

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

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

- (b) in the case of a resident of a facility aged 18 years or over—the person is the parent, guardian, partner, carer or support person of the resident, and the person's visit is for the purpose of providing emotional and social support to the resident that cannot reasonably be provided by that person via electronic or other non-contact means; or

Limit: only 1 visitor, once per day, for a maximum of 1 hour.

- (c) the person is visiting the resident alone, or with any other person (or people) who ordinarily resides at the same premises as the person visiting; or

Limit: only 1 household (to a maximum of 5 people) once per day for a maximum of 1 hour.

Note 1: parents/carers/guardians may continue to visit infants or children under 18 years residing at a care facility at the same time, for unlimited periods, under paragraph (a).

*Note 2: in permitting household visits, a care facility must still comply with the **density quotient** that limits the number of persons permitted in shared or publicly accessible places.*

- (d) in the case of a resident of the facility who has a mental illness—the person is the resident's **nominated person** and the person's presence at the facility is for the purposes of matters relating to their role as nominated person; or

Limit: only 1 visitor at any one time, for a maximum of 1 hour per visit.

- (e) the person's presence at the facility is for the purposes of providing essential care and support necessary for the resident's immediate physical wellbeing that optimises the care and support delivered by workers at the facility and cannot reasonably be provided by that person via electronic means; or

Limit: only 1 visitor at any one time.

Example: providing ongoing support, assistance or personal care to a resident with activities of daily living such as showering, dressing, or meals.

- (f) the person's presence at the facility is for the purposes of providing essential care and support necessary for the resident's immediate emotional and social wellbeing (including mental health supports) that optimises the care and support delivered by workers at the facility and cannot reasonably be provided by that person via electronic means; or

Limit: only 1 visitor at any one time.

Example: the person's physical presence is necessary to support individual behaviours of concern, such as for people living with dementia or who have a known or emerging serious mental illness.

- (g) the person's presence at the facility is for the purposes of providing interpreter or informal language support to enable the delivery of care by workers at the facility.

Limit: only 1 visitor at any one time.

- (h) the person's presence at the facility is for the purposes of learning to support the resident's care upon the resident's discharge; or

Limit: only 1 visitor, once per day, for a maximum of 1 hour.

Example: in preparation for providing in home care.

- (i) the person's presence at the facility is for the purposes of providing end of life support to a resident of the facility; or

Limit: maximum of 2 visitors at any one time.

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

Limit: only 1 visitor at any one time.

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

Limit: only 1 visitor at any one time.

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

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

8 Operator obligations

Operator to take all reasonable steps

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

Visitor declarations

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

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

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

9 Relationship with other Directions

- (1) Where the premises of a care facility are located within the premises of a hospital subject to the **Hospital Visitor Directions** these directions apply, to the exclusion of the **Hospital Visitor Directions**, in relation to the premises of the care facility and to matters that relate to the care facility.
- (2) These directions operate alongside, and are not intended to derogate from, obligations imposed on operators of care facilities under the **Workplace Directions** and **Workplace (Additional Industry Obligations) Directions**.

10 Definitions

For the purposes of these directions:

- (1) **alcohol and drug residential service** means any of the following:
 - (a) a treatment centre within the meaning of the **Severe Substance Dependence Treatment Act 2010**;
 - (b) a residential treatment service (however described) that provides drug or alcohol withdrawal or rehabilitation services in a residential setting to people dependent on alcohol or other drugs;
 - (c) a service that provides supported accommodation to a person after the person has received residential treatment services of the kind referred to in paragraph (b);
- (2) **care facility** has the meaning in clause 4;
- (3) **confirmed case** means a person who has been diagnosed with **SARS-CoV-2**;
- (4) **density quotient** has the same meaning as in the **Workplace Directions**;
- (5) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 16)** as amended or replaced from time to time;
- (6) **disability residential service** means a residential service within the meaning of the **Disability Act 2006** and to avoid doubt, includes the facility called the Intensive Residential Treatment Program of the Statewide Forensic Service;
Note: the Intensive Residential Treatment Program of the Statewide Forensic Service is often referred to as "DFATS".
- (7) **eligible SDA enrolled dwelling** means a Specialist Disability Accommodation (SDA) enrolled dwelling that is provided under an SDA residency agreement within the meaning of section 498B of the **Residential Tenancies Act 1997**;
- (8) **employee or contractor** in relation to a **care facility**, means a person employed or engaged as a contractor by the **operator** of the care facility, and includes a person who **provides labour hire services** to the operator of the care facility;
- (9) **end of life**, in relation to a **resident**:
 - (a) means a situation where the resident's death is expected within days (including periods of 14 days or longer), or where the resident, with or without existing conditions, is at risk of dying from a sudden acute event;
 - (b) does not mean a situation where a resident has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the resident is expected to die within 12 months (except where the situation also falls within paragraph (a));
- (10) **flexible care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;

- (11) **homelessness residential service** means a service that is funded by government to provide a staffed residential service to people who are homeless or at risk of being homeless;
- (12) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 20)** as amended or replaced from time to time;
- (13) **nominated person** in relation to a **resident** has the same meaning as in the **Mental Health Act 2014**;
- (14) **operator** of a **care facility** means:
- (a) for an **alcohol and drug treatment facility**—the operator of the facility;
 - (b) for a **homelessness residential service**—the entity that receives government funding to provide the service;
 - (c) for a **residential aged care facility**—the operator of the facility;
 - (d) for a **disability residential service**—the **disability service provider** that operates the service;
 - (e) for an **eligible SDA enrolled dwelling**—the **disability service provider** or the **registered NDIS provider** that operates the service;
 - (f) for a **short-term accommodation and assistance dwelling**—the **registered NDIS provider** or the **disability service provider** that operates the service;
 - (g) for a **secure welfare service**—the Secretary to the Department of Families, Fairness and Housing;
 - (h) for a **supported residential service**—the **proprietor** of the supported residential service;
 - (i) for the **Thomas Embling Hospital**—the **Victorian Institute of Forensic Mental Health**;
- (15) **proprietor** of a **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (16) **provides labour hire services** has the same meaning as in the **Labour Hire Licensing Act 2018**;
- (17) **quarantine-free flight** means a flight where no passenger on board is required to quarantine as a result of having been outside an Australian Government designated green travel zone in the 14 days prior to arrival in Victoria;
- (18) **registered NDIS provider** has the same meaning as in the **National Disability Insurance Scheme Act 2013** of the Commonwealth;
- (19) **resident** of a **care facility** includes a patient of the care facility;
- (20) **residential aged care facility** means premises at which accommodation and personal care or nursing care or both are provided to a person in respect of whom a **residential care subsidy** or a **flexible care subsidy** is payable under the **Aged Care Act 1997** of the Commonwealth;
- (21) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (22) **SARS-CoV-2 Symptoms** means symptoms consistent with **SARS-CoV-2**, including but not limited to the following:
- (a) a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°C (such as night sweats or chills);
 - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
 - (c) loss of smell;
 - (d) loss of taste;

- (23) **secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (24) **Stay Safe Directions** means the **Stay Safe Directions (Victoria) (No. 15)** as amended or replaced from time to time;
- (25) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (26) **Thomas Embling Hospital** means the hospital of that name operated by the **Victorian Institute of Forensic Mental Health**;
- (27) the following expressions have the same meaning as they have in the **Disability Act 2006**:
- (a) disability service provider;
 - (b) SDA enrolled dwelling;
 - (c) SDA provider;
 - (d) short-term accommodation and assistance dwelling;
 - (e) treatment plan;
- (28) **Victorian Institute of Forensic Mental Health** has the same meaning as in the **Mental Health Act 2014**;
- (29) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 17)** as amended or replaced from time to time;
- (30) **Workplace Directions** means the **Workplace Directions (No. 20)** as amended or replaced from time to time.

11 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Dated 17 February 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. 20)

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. 19)**.

2 Citation

These directions may be referred to as the **Workplace Directions (No. 20)**.

3 Revocation

The **Workplace Directions (No. 19)** are revoked at 11:59:00 pm on 17 February 2021.

4 Commencement

These directions commence at 11:59:00 pm on 17 February 2021 and end at 11:59:00 pm on 26 February 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 the 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 11:58:59 pm on 29 November 2020, subclause 5(1) is not intended to operate in a way that would prevent that worker from working at a Work Premises from 11:59:00 pm on 29 November 2020.

- (2) An employer must comply with the **Workplace (Additional Industry Obligations) Directions** where it applies to that employer.
- (3) Where an employer permits or requires work to be performed at a Work Premises, the employer must comply with clauses 6 to 8.
- (4) Workers must not attend a Work Premises if they have been tested for SARS-CoV-2 because they are symptomatic whilst awaiting the result of that test (excluding where a worker is awaiting results of a test taken in accordance with a surveillance testing obligation under the **Workplace (Additional Industry Obligations) Directions**).

6 Preventative measures at Work Premises to reduce the risk of SARS-CoV-2

Face coverings requirement

- (1) An employer must take reasonable steps to ensure the worker, when working at a Work Premises:
 - (a) carries a **face covering** at all times, except where subclause (2)(a) applies; and
 - (b) wears a face covering where required to do so in accordance with any other Directions currently in force.

Note: face shields on their own do not meet the face covering requirements. Please refer to the Department's guidelines for further information.

- (2) Subclause (1) does not apply if:
 - (a) the worker has a physical or mental health illness or condition or disability which makes wearing a face covering unsuitable; or

Examples: workers who have obstructed breathing or a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.

- (b) the worker is communicating with a person who is deaf or hard of hearing, where visibility of the mouth is essential for communication; or
 - (c) the nature of a worker's work means that wearing a face covering creates a risk to their health and safety; or
 - (d) the nature of a worker's work means that clear enunciation or visibility of the mouth is essential; or
- Examples: teaching, lecturing, broadcasting.*
- (e) the person is working by themselves in an enclosed **indoor space** (unless and until another person enters that indoor space); or
 - (f) the worker is travelling in a **vehicle** for work purposes by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
 - (g) the worker is consuming food, drink or medicine; or
 - (h) the worker is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
 - (i) the worker is asked to remove the face covering to ascertain identity; or

Example: a worker may be asked by police, security or post office staff to remove a face covering to ascertain identity.

- (j) for emergency purposes; or
- (k) required or authorised by law; or
- (l) doing so is not safe in all the circumstances.

Note: a worker is required to wear a face covering at all other times when the exceptions above do not apply, if required to do so in accordance with any other Directions currently in force.

COVIDSafe Plan

(3) Subject to subclause (5), an employer must, for each Work Premises:

(a) have in place a COVIDSafe Plan, which addresses the health and safety issues arising from SARS-CoV-2, including but not limited to:

Note: employers can use the template plan accessible from the following website for guidance: www.coronavirus.vic.gov.au/covidsafe-plan as amended or replaced from time to time by the Victorian Government.

- (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 the 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 20 workers (excluding workers working at the Work Premises in accordance with clause 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 50% of the workers (excluding workers working at the Work Premises in accordance with clause 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 vehicle used to provide **commercial passenger vehicle services** or a vehicle used to provide **passenger services**, then it must have a COVIDSafe Plan for that vehicle.*

- (ii) vehicles used predominantly by an **employee** to travel between the Work Premises and the employee's ordinary place of residence.

Note: each vehicle used predominantly as a Work Premises (e.g. food trucks, dental vans) requires a COVIDSafe Plan.

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

Record-keeping obligations (records requirement)

- (7) Subject to subclause (9), an employer must keep a record of all workers and all visitors who attend the Work Premises for longer than 15 minutes (at a minimum), which includes:
 - (a) the person's first name; and
 - (b) a contact phone number; and
 - (c) the date and time at which the person attended the Work Premises; and
 - (d) the areas of the Work Premises which the person attended.

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

- (8) An employer may comply with the record-keeping requirements in subclause (7) in relation to a worker or visitor where the worker or visitor records their visit to the Work Premises using a digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government for that purpose.
- (9) An employer is not required to comply with the records requirement in subclause (7):
 - (a) where they are operating a Work Premises which is a **market**, market stall, a **retail facility** or **retail shopping centre** with respect to customers who attend that Work Premises, where it is not practicable to do so; or
 - (b) in relation to **members of the public** using a **commercial passenger vehicle service**; or
 - (c) in relation to essential support groups and health services if confidentiality is typically required.

Example: support groups for alcohol and drugs or family violence typically require confidentiality.

- (10) In handling the information outlined in subclause (7):
 - (a) an employer who uses a system other than a digital system provided by the Service Victoria CEO and other parts of the Victorian Government must:
 - (i) not collect personal information unless the information is necessary to meet the requirements outlined in subclause (7); and
 - (ii) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer (or a person assisting an Authorised Officer); and

Note: information should be collected in a way that protects it from being disclosed to other patrons.

Example: where using a paper-based method, a sheet of paper could be placed over previous visitor details on a sheet that records the names.

- (iii) use reasonable endeavours to notify the person from whom the personal information is being collected that the primary purpose of collection is for SARS-CoV-2 contact tracing, and that their personal information may be collected and stored by the Victorian Government for this purpose; and
- (iv) destroy the information as soon as reasonably practicable following 28 days after the attendance at the Work Premises, unless a statutory requirement permits or requires the personal information to be retained; and

Note: Clause 10(a) is intended to apply to employers who use a third party digital system, or other system (e.g. paper based record keeping), to create a worker or visitor record, whether or not:

- (a) *the employer also uses a digital system provided by the Service Victoria CEO and other parts of the Victorian Government to comply with subclause (7);*
 - (b) *the third party digital system, or other system used by the employer, links to a digital system provided by the Service Victoria CEO and other parts of the Victorian Government.*
- (b) **Service Victoria** and/or another operator of a system provided by the Victorian Government, must destroy the information as soon as reasonably practicable following 28 days after the attendance at the Work Premises, unless a statutory requirement permits or requires the personal information to be retained.

Additional records requirement (Additional records requirement)

- (11) An employer must keep records to demonstrate compliance with these directions, including (but not limited to):
- (a) all logs created during the time these directions are in place;
 - (b) Work Premises rosters;
 - (c) time and attendance records;
 - (d) payroll data.
- (12) In collecting the information outlined in subclause (11), an employer must:
- (a) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer; and
 - (b) destroy the information as soon as reasonably practicable, unless another statutory requirement permits or requires the personal information to be retained.

Density quotient (density quotient)

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

*Note 1: in relation to a school, non-school senior secondary provider, education and care service, childcare or early childhood service, or higher education service, spaces for the purpose of student and children use (such as classrooms, hallways and gymnasiums) are not subject to the density quotient. The density quotient does, however, still apply to spaces used only by staff (such as staff lunchrooms, photocopier room, principal's office, back of reception and resource rooms). The density quotient also applies to any publicly accessible areas (including in relation to a school, non-school senior secondary providers, or childcare early childhood service, or higher education service), and any such publicly accessible areas that are subject to the **signage requirements** under subclause (16).*

Note 2: in relation to a school, non-school senior secondary provider, childcare or early childhood service, or higher education service using facilities other than the school, childcare or higher education

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

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

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

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

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

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

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

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

Example: if an outdoor space is 8.5 metres long and 4.5 metres wide, its total area is 38.25 square metres. Its density quotient is 19.125, so no more than 19 members of the public would be permitted to be in the outdoor space at the same time.

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

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

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

Signage requirements (signage requirement)

(16) Where a Work Premises has a publicly accessible space, an employer must display a sign at each public entry to each such space that includes a statement specifying the maximum number of members of the public that may be present in the space at a

single time, being the number permitted by the density quotient, rounded down to the nearest whole number.

Example: if an area is 8.5 metres long and 4.5 metres wide, its total space is 38.25 square metres. Its density quotient is 19.125. 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 19.

- (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 as amended or replaced from time to time by the Victorian Government.
- (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 as amended or replaced from time to time by the Victorian Government.

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

Note: for record-keeping obligations to assist with identification of close contacts and contact tracing, see clause 6(7).

- (i) if the close contact is a worker, direct them to leave the Work Premises and advise them to **self-quarantine**; and
 - (ii) if the close contact is not a worker, issue them a written communication to recommend that they self-quarantine in accordance with guidance from the Department; and
- (f) notify all workers when a worker has tested positive to SARS-CoV-2; and
- (g) inform all workers (including health and safety representatives) to be vigilant about the onset of symptoms of SARS-CoV-2 and advise all workers to be tested for SARS-CoV-2 and self-quarantine if they become symptomatic; and
- (h) put in place appropriate control 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 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. 22)** 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 service** 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;
- (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. 16)** 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. 8)** as amended or replaced from time to time;
- (40) **retail facility** includes any facility that is used wholly or predominantly for:
- (a) the sale or hire of goods by retail; or
 - (b) the retail provision of services;

- (41) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (42) **SARS-CoV-2 Symptoms** means symptoms consistent with **SARS-CoV-2**, including but not limited to the following:
- (a) a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°C (such as night sweats, chills);
 - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
 - (c) loss of smell;
 - (d) 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. 15)** 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. 17)** 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 17 February 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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