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Public Health and Wellbeing Act 2008 Section 200

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

Restricted Activity Directions (Metropolitan Melbourne) (No. 2)

I, Professor Allen Cheng, Acting 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 Metropolitan Melbourne 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 (Metropolitan Melbourne)**.

2 Citation

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

3 Revocation

The **Restricted Activity Directions (Metropolitan Melbourne)** are revoked at 11:59:00 pm on 10 June 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 10 June 2021 and ending at 11:59:00 pm on 17 June 2021.

5 Physical recreational facilities

- (1) A person who owns, controls or operates a **physical recreational facility** in Metropolitan Melbourne 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, 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).

SPECIAL

- (e) a **play centre**;
- (f) an indoor skatepark;
- (g) a trampolining centre,
- (h) a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring facility**;

but does not include:

- (i) a skatepark in an outdoor space;
- (j) outdoor communal exercise equipment;
- (k) a creative arts facility.

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

Physical recreation and community sport

(3) A person who owns, controls or operates a physical recreational facility in Metropolitan Melbourne may operate that facility for the purpose of physical recreation or community sport by **members of the public** if:

- (a) the members of the public are not permitted in any **indoor space** at the facility, except to access indoor toilets or to pass through the indoor space solely for the purpose of accessing an outdoor space; and the number of members of the public permitted in any indoor space or outdoor space at any one time is limited to the **Density Quotient**; and
- (b) subject to subclause (4), the total number of members of the public at the facility at any time (excluding infants under one year of age) does not exceed 100; and
- (c) the number of members of the public in a group at any one time is limited to 10 (with infants under one year old not counting towards this limit); and
- (d) subject to subclause (5), only training activities are permitted at a facility and no competition activities are to be conducted; and
- (e) all members of the public participating in training for community sports are from a single sports team; and
- (f) the number of people present to conduct physical recreation or community sport is limited at all times to the minimum number required for that purpose; and

Note: persons required to facilitate the activity at the physical recreation facility may include teachers, instructors, trainers, coaches and umpires, as well as carers, parents and guardians attending to support participation of a child or a person with disability, are permitted to attend the facility. General spectators are not permitted.

- (g) any shared equipment is **cleaned** between users.

Exception - groups that can be distanced by 100 metres

(4) Despite subclause (3), a person who owns, controls or operates a physical recreational facility in Metropolitan Melbourne is not required to comply with the requirement in subclause (3)(c) if it permits members of the public to conduct physical recreation or community sport in groups in an outdoor space who are able to maintain a distance of at least 100 metres from any other group at all times.

Example: at a golf course, there may be more than 100 members of the public, so long as no group is larger than 10 members of the public and a distance of at least 100 metres between all groups can be maintained at all times.

Exception – professional or high performance sport training

(5) Despite subclause (3), a person who owns, controls or operates a physical recreational facility (including all indoor spaces) in Metropolitan Melbourne is not required to comply with the requirements in subclause (3) (except for (3)(b)) for the purpose of:

- (a) the exclusive use of training for professional and high-performance sports persons, provided that only persons who are necessary for the conduct of the training are permitted to attend the facility and no competition activities are undertaken on site; or
- (b) conducting a professional sporting event that has been approved to proceed with no spectators by the Chief Health Officer through the **Public Event Framework**.

Exception – hydrotherapy pools for hydrotherapy services

- (6) Despite subclause (3), a person who owns, controls or operates a **hydrotherapy** pool in Metropolitan Melbourne is not required to comply with the requirements in subclause (3)(a), (b), (d) to (g) during the restricted activity period for the purpose of the provision of hydrotherapy services to members of the public at the facility if the person ensures that:
 - (a) no access is permitted to saunas within the facility; and
 - (b) any member of the public accessing hydrotherapy services is accompanied by:
 - (i) a health **worker**; or
 - (ii) a carer, parent or guardian (if required); and
 - (c) no group hydrotherapy services are permitted; and
 - (d) the number of persons permitted at any one time inside the water of a hydrotherapy pool is the lesser of:
 - (i) 10; and
 - (ii) the number that is the number calculated by dividing the total accessible space (measured in square metres) by 8; and
 - (e) the number of persons permitted at any one time in any water or non-water indoor space in the facility is the number calculated by dividing the total accessible space (measured in square metres) by 8.

Note: the limits on persons under paragraph (d) apply to all persons, including members of the public accessing hydrotherapy services and any other person, such as a health worker, accompanying them.

Exception – Outdoor community sport training

- (7) Despite subclause (3), a person who owns, controls or operates a physical recreational facility in Metropolitan Melbourne is not required to comply with the requirements in subclause 3(b) and (d) if it operates that facility for the purpose of members of the public participating in community sport provided that:
 - (a) only training activities are permitted at the facility and no competition activities are to be conducted at the facility; and
 - (b) all members of the public participating in the training are from a single sports team;
 - (c) the community sport is conducted in an outdoor space and members of the public are only permitted in an indoor space in accordance with subclause (3)(a); and
 - (d) no more than the minimum number of people required to conduct the community sport attend the facility; and

Note 1: persons required to facilitate the activity at the physical recreation facility may include teachers, instructors, trainers, coaches and umpires, as well as carers, parents and guardians attending to support participation of a child or a person with disability, are permitted to attend the facility. General spectators are not permitted.

Note 2: if a carer, parent or guardian of a person with a disability is a carer, parent or guardian of any other child or dependant, and the person cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave the child or dependant unattended so that the person can participate or supervise without the child or dependant, then the child or dependant may accompany the person when participating or supervising.

- (e) it does not involve a participant who has either travelled more than 25 kilometres from their ordinary place of residence or whose ordinary place of residence is in Regional Victoria, unless that person is engaging in work to facilitate the community sport.

Example: persons required to facilitate the community sport may include trainers, coaches, officials and umpires.

Exception – school or educational swimming purposes

- (8) A person who owns, controls or operates a physical recreational facility may operate that facility for the purpose of:
 - (a) providing the facility for the exclusive use by a single **school** at any one time for use for educational purposes and is not required to comply with subclause (3); or
 - (b) providing the facility for swimming or water safety lessons and is not required to comply with the subclauses (3)(b) and (d).

Note: the operation of the physical recreation facility must comply with all other requirements of subclause (3), including the restriction on indoor use in subclause (a).

6 Community sport

- (1) A member of the public may only participate in community sport if:
 - (a) it is training activities and not any competition activities; and
 - (b) it is conducted in Metropolitan Melbourne; and
 - (c) it is conducted in an outdoor space; and
 - (d) it does not involve a participant who has either travelled more than 25 kilometres from their ordinary place of residence or whose ordinary place of residence is in Regional Victoria, unless that person is engaging in work to facilitate the community sport; and

Example: persons required to facilitate the community sport may include trainers, coaches, officials and umpires.

- (e) no more than the minimum number of people required to conduct the community sport participate in the activity; and

Note: persons required to facilitate the activity at the physical recreational facility such as teachers, instructors, trainers, coaches and umpires, as well as carers, parents and guardians attending to support participation of a child or a person with disability, are permitted to attend the facility. General spectators are not permitted.

- (f) all members of the public participating in the training are from a single sports team.

7 Community facilities

- (1) A person who owns, controls or operates a community facility in Metropolitan Melbourne 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 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 facility, hydrotherapy pool, spa, sauna, steam room or spring.
- (3) A person who owns, controls or operates a community facility in Metropolitan Melbourne may only operate that facility for members of the public if:
- (a) the number of members of the public permitted in each indoor space or outdoor space at any one time is limited to the Density Quotient, provided that:
 - (i) there are no more than 10 members of the public in any one group; and
 - (ii) the total number of members of the public at the facility at any time does not exceed 50 (with infants under one year of age not counting towards this limit); and

Note: the persons required to conduct and/or facilitate a service are not included in these limits.

- (b) in addition to the maximum number of members of the public permitted in accordance with subclause (a), the number of people present to conduct an activity is limited at all times to the minimum number required for that purpose; 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 17.

- (c) any wedding or funeral held at the facility complies with the requirements of the **Stay Safe Directions (Metropolitan Melbourne)**.

Exceptions – essential public support service and exclusive use by a single school

- (4) Despite subclause (3), a person who owns, controls or operates a community facility in Metropolitan Melbourne is not required to comply with the requirements in subclause (3)(a) if they operate the facility for the purpose of:
- (a) holding an essential public support service other than support groups (whether that service is provided on a voluntary basis or otherwise) provided that the number of people present to conduct or facilitate the essential public support services is limited at all times to the minimum number required for that purpose; or

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

Note 1: support groups do not fall within this exception and must comply with the restrictions in subclause (3).

Note 2: only members of the public receiving this service and those conducting it can be present.

- (b) providing an exclusive venue for the exclusive use of a single school at any one time for educational or school gathering purposes).

Playgrounds, outdoor skatepark or outdoor communal exercise equipment

- (5) Despite subclause (3), a person who owns, controls or operates an outdoor **playground**, skatepark in an outdoor space or outdoor communal exercise equipment may operate that facility for its ordinary purpose for use by members of the public and is not required to comply with the requirements in subclause (3).

8 Creative arts facility

- (1) A person who owns, controls or operates a **creative arts facility** in Metropolitan Melbourne may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A person who owns, controls or operates a creative arts facility in Metropolitan Melbourne may only operate the facility if:
 - (a) the number of members of the public permitted in any indoor space or outdoor space at any one time is limited to the Density Quotient (with infants under one year of age not counting towards this limit) provided that:

- (i) there are no more than 10 members of the public in any one group; and
 - (ii) the total number of members of the public at the facility at any time does not exceed 50; and
- (b) the number of people present to conduct an activity is limited at all times to the minimum number required for that purpose; and
- Note: the persons conducting an activity are not included for the purpose of calculating the limit on the number of members of the public referred to in subclause (a).*
- (c) any equipment used in an activity is cleaned between users.
- (3) Despite subclause (2), a person who operates a facility described in subclause (2) may operate that facility for the purpose of providing an exclusive venue for the exclusive use of a single school at any one time for educational or school gathering purposes and is not required to comply with the requirements in subclause (2)(a).

9 Entertainment facilities

- (1) A person who owns, controls or operates an entertainment facility in Metropolitan Melbourne 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**;
 - (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 drive-in cinema; and
 - (s) a convention centre.

Indoor and seated outdoor entertainment facility

- (3) A person who owns, controls or operates a facility in subclause (2)(a) (theatre), (2)(b) (cinema except a drive-in cinema), (2)(c) (music hall, concert hall or auditorium), (2)(d) (gallery or museum except an outdoor gallery or museum), (2)(e) (State Library), (2)(f) (arena or stadium), (2)(o) (animal facility except an outdoor animal facility) or (2)(q) (convention centre), in Metropolitan Melbourne may only operate the facility if:

- (a) members of the public are not permitted to enter any indoor non-seated space at the facility, except to access a food and drink facility, a retail facility, an outdoor space or toilets, or to pass through the indoor non-seated space solely for the purpose of accessing a seated space;
 - (b) the number of members of the public permitted at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) in any outdoor non-seated space, the Density Quotient; and
 - (ii) in any indoor seated area, 25% of the maximum seated capacity for that space, provided that the total number of members of the public permitted in all indoor spaces at the facility at any time does not exceed 50; and
 - (iii) in any outdoor seated area, 50% of the maximum seated capacity for that space, provided that the total number of members of the public permitted in all outdoor spaces at the facility at any time does not exceed 100;
 - (c) the total number of members of the public permitted at the facility at any time does not exceed 100; 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 17.*
- (d) no more than 10 members of the public are permitted in any one group; and
 - (e) any food and drink facility within the entertainment facility operates in accordance with the requirements of clause 13 (food and drink facilities); and
 - (f) any retail facility within the entertainment facility operates in accordance with the requirements of clause 12.

Exception – exclusive use by a single school

- (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 at any one time for educational or school gathering purposes is not required to comply with the requirements in subclauses (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 people other than students and staff are permitted to attend. If other guests attend, then the limits in subclauses (3)(b) and (c) apply.

Non-seated outdoor entertainment facility

- (5) A person who owns, controls or operates an outdoor facility in subclause (2) (d) (outdoor gallery or a museum only) or (2)(o) (outdoor animal facility only) in Metropolitan Melbourne may only operate the facility if:
 - (a) members of the public are not permitted to enter any indoor non-seated space at the facility, except if they are already at the facility and require to access a food and drink facility, a retail facility, an outdoor space or toilets, or to pass through the indoor non-seated space solely for the purpose of accessing a seated space;
 - (b) the number of members of the public permitted at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) in any outdoor non-seated space, the Density Quotient; and
 - (ii) in any indoor seated area, 25% of the maximum seated capacity for that space; and
 - (iii) in any outdoor seated area, 50% of the maximum seated capacity for that space; and
 - (c) no more than 10 members of the public are permitted in any one group; and
 - (d) any food and drink facility within the entertainment facility operates in accordance with the requirements of clause 13 (food and drink facilities); and
 - (e) any retail facility within the entertainment facility operates in accordance with the requirements of clause 12.

Exception – exclusive use by a single school

- (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 at any one time for educational or school gathering purposes is not required to comply with the requirements in subclauses (5)(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 people other than students and staff are permitted to attend. If other guests attend, then the limits in subclauses (5)(b) and (c) apply.

Drive-in cinema

- (7) A person who owns, controls or operates a drive-in cinema in Metropolitan Melbourne may only operate the facility if:
- (a) the cinema is in an outdoor space accessed by **vehicles**; and
 - (b) members of the public are not permitted to be seated outside of their vehicles; and
- Note: members of the public are permitted to leave a vehicle to access toilet facilities or a food and drink facility.*
- (c) no access is permitted to an indoor non-seated space in the facility, except to access a food and drink facility, retail facility or toilet facilities or to permit access through the indoor non-seated space to an outdoor space; and
 - (d) the number of members of the public permitted:
 - (i) at the facility at any time is limited to 100; and
 - (ii) in each non-seated space at any one time is limited to the Density Quotient; and
 - (e) any food and drink facility within the entertainment facility operates in accordance with the requirements of clause 13 (food and drink facilities); and
 - (f) any retail facility within the entertainment facility operates in accordance with the requirements of clause 12.

Retail betting venue

- (8) A person who owns, controls or operates a retail betting venue in Metropolitan Melbourne may only operate the venue during the restricted activity period if:
- (a) the number of members of the public permitted in any indoor space or outdoor space is limited to the Density Quotient; and
 - (b) the total number of members of the public at the facility at any time does not exceed 50.

Closed entertainment facilities

- (9) A person who owns, controls or operates a facility in subclause (2)(g) (arcade), subclause (2)(h) (amusement park), subclause (2)(i) (casino), (2)(k) (gaming machine area), subclause (2)(l) (brothel, sex on premises venue or sexually explicit entertainment venue), subclause (2)(m) (bingo centre), subclause (2)(n) (escape room), subclause (2)(p) (karaoke facility) and subclause (2)(q) (nightclub) must not operate the areas in those facilities that are accessible to the public during the restricted activity period.
- (10) Despite subclause (10), a casino may operate to the extent necessary to provide:
- (a) food and drink in accordance with clause 13 (food and drink facilities); or
 - (b) accommodation in accordance with clause 14 (accommodation).

10 Places of Worship

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

- (2) A person who owns, controls or operates a place of worship in Metropolitan Melbourne may only operate that facility if:
- (a) the number of members of the public in any indoor space or outdoor space is limited (with any infant under one year of age not counting in this limit) to the Density Quotient; and
 - (b) the total number of members of the public at the facility at any time does not exceed 50; and
 - (c) the number of people present to conduct or facilitate a service is limited at all times to the minimum number required for that purpose; and
Note: the persons required to conduct and/or facilitate a service are not included in the limit of people referred to in subclause (a).
 - (d) any weddings and funerals held at the facility comply with the requirements of the **Stay Safe Directions (Metropolitan Melbourne)**; and
 - (e) any religious gatherings or ceremonies are conducted at either the place of worship or an outdoor space proximate to the place of worship; and
 - (f) any support group conducted at the place of worship is attended by no more than 10 members of the public (excluding any member of the public necessary for the delivery of the service); and
Examples: for alcohol and drugs, family violence and parenting.
 - (g) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public.

Exceptions

- (3) Despite subclause (2), a person may operate a place of worship without complying with subclause (2) if it is for the purpose of:
- (a) hosting an essential public support service other than support groups (whether that service is provided on a voluntary basis or otherwise), provided that the number of people present to conduct or facilitate the essential public support services is limited at all times to the minimum number required for that purpose; and
Examples: a food bank, a service for homeless persons.
 - (b) providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes at any one time.
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 people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (2) apply.

11 Funeral providers and crematoriums

- (1) A person who owns, controls or operates a funeral home or crematorium in Metropolitan Melbourne may only do so during the restricted activity period if:
- (a) any funeral conducted is compliant with the requirements of the **Stay Safe Directions (Metropolitan Melbourne)**; and
 - (b) the number of members of the public in any indoor space and outdoor space is limited (with infants under the age of 12 months old not counted towards this limit) to the Density Quotient; and
 - (c) the total number of members of the public at the facility at any time does not exceed 50; and
 - (d) the number of people present to conduct or facilitate a funeral service is limited at all times to the minimum number required for that purpose; and
Note: the persons required to conduct and/or facilitate a funeral service are not included in the limit of people referred to in subclause (b).
 - (e) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public.

12 Retail facility

- (1) A person who owns, controls or operates a **retail facility**, including a **restricted retail facility** and auction house, in Metropolitan Melbourne 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 retail facility, other than an auction house but including a restricted retail facility, may only operate that facility if:
 - (a) the number of members of the public in any indoor space or outdoor space is limited (with infants under the age of 12 months old not counted towards this limit) to the Density Quotient; and
 - (b) for a facility that operates out of a private residence, the entrance used by members of the public to access the facility and the entrance used by residents and visitors to access the private residence are separate.

Auction house

- (4) A person who owns, controls or operates an auction house may only operate that facility if:
 - (a) the number of members of the public in any indoor space or outdoor space is limited (with infants under the age of 12 months old not counted towards this limit) to the Density Quotient; and
 - (b) the total number of members of the public at the facility at any time does not exceed 50 (with infants under one year of age not counting towards this limit).

Restricted retail facilities

- (5) In addition to the requirements in subclause (3), a person who operates a restricted retail facility may only operate that facility if:
 - (a) the person only provides services or procedures that would be able to be provided if the client is wearing a face covering; and

Note: services such as facials, face waxing and beard trimming around the mouth, nose or cheeks are not permitted as the client would be unable to wear a face covering for the duration of the service or procedure.

 - (b) a client wears a face covering for the duration of the service, other than where the client is exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Metropolitan Melbourne)**.

Pubs, bars, clubs and hotels

- (6) A person who owns, controls or operates a **licensed premises** in Metropolitan Melbourne may only operate that premises during the restricted activity period in accordance with these directions.
- (7) A person who owns, controls or operates a licensed premises in Metropolitan Melbourne may operate those premises only for the purposes of:
 - (a) operating as a **bottleshop**; or
 - (b) providing food or drink in accordance with clause 13; or
 - (c) providing accommodation in accordance with clause 14;
 - (d) operating a retail betting venue in accordance with subclause 9(8).

*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**.*

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

13 Food and drink facilities

- (1) A person who owns, controls or operates a **food and drink facility** in Metropolitan Melbourne 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) a food court.

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

- (3) A person who owns, controls or operates a food and drink facility in Metropolitan Melbourne may only operate that facility if:

- (a) the number of members of the public permitted in any indoor space or outdoor space is limited (with any infant under one year of age not counting in this limit) to the Density Quotient;
- (b) the total number of members of the public at the facility at any time does not exceed 100, with no more than a total of 50 members of the public in all indoor spaces combined; and

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

- (c) there are no more than 10 members of the public in any one group; and
- (d) members of the public at the premises remain seated except when ordering food or drink, using toilets or entering or leaving the facility; and
- (e) any dancefloors in the facility are closed at all times; and
- (f) any weddings held at the facility comply with the **Stay Safe Directions (Metropolitan Melbourne)**.

14 Accommodation facilities

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

- (2) An **accommodation facility** includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:

- (a) a camping ground;
- (b) a caravan park;
- (c) a hotel;
- (d) a hostel;
- (e) a bed and breakfast;
- (f) a private holiday rental facility, including Airbnbs;
- (g) a motel;
- (h) a serviced apartment.

- (3) A person who owns, controls or operates an accommodation facility in Metropolitan Melbourne may operate that facility for the purposes of providing accommodation only if:
- (a) the number of members of the public in any communal indoor or outdoor space is limited to the Density Quotient; and
 - (b) each booking consists only of either:
 - (i) members of the one household or the intimate partners of the members in that household; or
 - (ii) a **nominated person** and a **nominee person**; and
 - (c) members of the public under different bookings do not share any bedrooms; and
 - (d) all surfaces in the facility that are used exclusively by a particular group, including a hotel room or cabin, are cleaned between each booking.

Exceptions

- (4) Despite subclause (3) a person who owns, controls or operates an accommodation facility in Metropolitan Melbourne is not required to comply with the requirements in subclause (3) if they operate that facility:
- (a) for the purposes of providing emergency accommodation, refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**; or
 - (b) as an exclusive facility for a single school at any one time for educational or school gathering purposes.

Note: 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 people other than students are permitted to attend.

15 Real estate auctions and inspections

- (1) During the restricted activity period, in Metropolitan Melbourne, an estate agent may only conduct:
- (a) an auction for the sale of **real estate**, only if that auction:
 - (i) is conducted in an outdoor space; and
 - (ii) is attended in person by the number of members of the public (with any infant under one year of age not counting in this limit) that is no more than the lesser of:
 - (A) the Density Quotient; and
 - (B) 50,
 excluding the owners or residents of the property and the minimum number of people required to conduct or broadcast the auction; and
 - (b) an inspection of real estate only if it is for the purposes of a prospective sale or rental of the property, arranged by private appointment and the number of members of the public is limited to the lesser of:
 - (i) the Density Quotient; or
 - (ii) 10.

Note: the persons required to conduct and/or facilitate an inspection are not included in the limit on the number of people attending an inspection.

16 Tours and transport

Licensed tourism operator

- (1) During the restricted activity period in Metropolitan Melbourne, a **licensed tourism operator** may not organise any indoor tourism services and may only organise or operate licensed tourism services outdoors in accordance with these directions.

Examples: outdoor tours that may be permitted include hiking and walking tours, horseback riding tours and bicycle tours.

Note: licensed tourism services that require the use of enclosed vehicles (such as a motor vehicle, bus/coach, horse-drawn wagon, boat, plane or helicopter) are not permitted to operate during the restricted activity period.

- (2) A **licensed tourism operator** may only organise or operate outdoor licensed tourism services within Metropolitan Melbourne for members of the public if:
- (a) the licensed tourism services are provided wholly in an outdoor space; and
 - (b) the number of members of the public attending a tour is limited to 50 members of the public, with a maximum of 10 members of the public in any one group, unless all members of the group reside at the same premises; and
 - (c) the number of members of the public in any non-seated areas is limited to the Density Quotient; and
 - (d) licensed tourism services are not operated by more than the minimum number of persons required for that purpose.

Note: the minimum number of persons required to operate a tour is in addition to the limit in subclause (b).

- (3) Despite subclause (2), a licensed tourism operator may permit the use of an indoor space to provide access to:
- (a) toilet facilities or to permit access to an outdoor space; or
 - (b) food and drink facilities provided that they operate in accordance with the requirements of clause 13 (food and drink facilities); or
 - (c) retail facilities provided that they operate in accordance with the requirements of clause 12 (retail facility).

Note 1: persons using toilets or an indoor space are still required to take reasonable steps to maintain a distance of 1.5 metres from all other persons and wear a face covering.

Note 2: to the extent that it is possible, it is advisable for reception activities (such as taking attendances and providing pre-tour information) to be conducted in an outdoor space.

17 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
 - (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, indoor space or outdoor space which forms part of the ad hoc or routine operations, use, activities or services of the facility, venue, indoor space or outdoor 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 (Metropolitan Melbourne)** 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).
- (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 one or more persons who are subject to a requirement under these directions to conduct one or more eligible public events (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 subclause (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.

18 Emergency use and operations

- (1) Nothing in these directions is intended to prevent or otherwise affect the operation of a facility in Metropolitan Melbourne 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**.

19 Relationship with other directions

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

20 Other definitions

For the purposes of these directions:

- (1) **access issue** means an absence of mobile phone or internet coverage or other temporary or non-temporary technical issue;
- (2) **accommodation facility** has the meaning in clause 14(2);
- (3) **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;
- (4) **Area Directions** means the **Area Directions (No. 11)** as amended or replaced from time to time;
- (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) **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**);
- (7) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (8) **community facility** has the meaning in clause 7(2);
- (9) **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 recreational facility**;
 - (g) a **community facility**;
 - (h) a **place of worship**.
- (10) **Density Quotient** has the same meaning as in the **Restricted Activities Direction (Regional Victoria)**;
- (11) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 23)** as amended or replaced from time to time;
- (12) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (13) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (14) **entertainment facility** has the meaning in clause 8(2);
- (15) **face covering** has the same meaning as in the **Workplace Directions**;

- (16) **food and drink facility** has the meaning in clause 11(2);
- (17) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (18) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (19) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (20) **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** or **food and drink 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;
- (21) **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.
- (22) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (23) **licensed premises** has the meaning in clause 10(8);
- (24) **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;
- (25) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;
- (26) **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**;
- (27) **nominated person** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (28) **nominee person** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (29) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (30) **outdoor space** means a space that is not an **indoor space**;
- (31) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (32) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (33) **physical recreational facility** has the meaning in clause 5(2);
- (34) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (35) **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**;
- (36) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**;
- (37) **premises** has the same meaning as in the **PHW Act**;
- (38) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;

- (39) **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.
- (40) **Restricted Activities Direction (Regional Victoria)** means the **Restricted Activities Direction (Regional Victoria) (No. 2)** as amended from time to time;
- (41) **restricted activity period** has the meaning in clause 4;
- (42) **retail facility** means a **premises**, or part of a premises, at which a business operates to provide for the sale or hire of goods by retail;
- (43) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (44) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (45) **State Library** means the State Library Victoria;
- (46) **Stay Safe Directions (Metropolitan Melbourne)** means the **Stay Safe Directions (Metropolitan Melbourne)** as amended or replaced from time to time;
- (47) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 4)** as amended or replaced from time to time;
- (48) **vehicle** has the same meaning as in the **PHW Act**;
- (49) **visitor** means a person who is not registered to stay overnight at an **accommodation facility**;
- (50) **work premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (51) **worker** has the same meaning as in the **Workplace Directions**;
- (52) **Workplace Directions** means the **Workplace Directions (No. 32)** as amended or replaced from time to time;
- (53) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

21 Penalties

Section 203 of the **PHW Act** provides:

Compliance with direction or other requirement

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.

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.

Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed 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. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.

Dated 10 June 2021

PROFESSOR ALLEN CHENG
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the **PHW Act**

Public Health and Wellbeing Act 2008
Section 200

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

Restricted Activity Directions (Regional Victoria) (No. 2)

I, Professor Allen Cheng, Acting 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 **Regional 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 (Regional Victoria)**.

2 Citation

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

3 Revocation

The **Restricted Activity Directions (Regional Victoria)** are revoked at 11:59:00 pm on 10 June 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 10 June 2021 and ending at 11:59:00 pm on 17 June 2021.

5 Residence checking requirement

- (1) A person who owns, controls or operates in Regional Victoria:
 - (a) an **accommodation facility** to the extent it relates to tourism, or a business that manages bookings for that accommodation facility; or
 - (b) a **food and drink facility** to the extent it relates to providing seated services; or
 - (c) a **restricted retail facility**; or
 - (d) an **entertainment facility**; or
 - (e) a **physical recreational facility** except for unstaffed facilities; or
 a person who is:
 - (f) a **licensed tourism operator**; or
 - (g) an **estate agent** to the extent their activities relate to **real estate** inspections, must use all reasonable endeavours to determine, as soon as practicable after each member of the public makes a booking (where bookings are taken) for, or accessing, entering or using, their services or facility, whether that member of the public's ordinary place of residence is in Metropolitan Melbourne, except:
 - (h) if the person states that they are permitted to travel or stay in Regional Victoria for reasons set out in the **Stay Safe Directions (Metropolitan Melbourne)**; or
 - (i) for emergency purposes; or
 - (j) as required or authorised by law.

Note 1: an operator should refuse service, or not accept bookings if the operator of the facility is not satisfied the person resides in Regional Victoria, or reasonably satisfied that an exception applies.

Note 2: a person who ordinarily resides in Metropolitan Melbourne but is in Regional Victoria for an approved reason may use food and drink facilities for the purposes of take-away as well as accommodation facilities for their approved purpose as per the rules applying in Metropolitan Melbourne. However, while in Regional Victoria they cannot dine in at a food and drink facility or use facilities that are currently closed in Metropolitan Melbourne except for the purposes that the person is authorised to travel for.

- (2) A person will be taken to have satisfied the requirement under subclause (1) where they have:
- (a) asked the given member of the public for the address of their ordinary place of residence; and
 - (b) required the given member of the public to:
 - (i) produce photo identification that evidences that their ordinary place of residence is not in Metropolitan Melbourne; or
 - (ii) make a declaration that their ordinary place of residence is not in Metropolitan Melbourne, unless it is not reasonably practicable in all the circumstances for the member of the public to make such a declaration; or
 - (iii) make a declaration that they are permitted to travel or stay in Regional Victoria for reasons set out in the **Stay Safe Directions (Metropolitan Melbourne)**.

Note 1: it may not be reasonably practicable for a member of the public to make a declaration due to a physical or mental health condition or disability.

Note 2: a template declaration as to a person's ordinary place of residence is available at <https://www.dhhs.vic.gov.au/restricted-area-requirement-declaration-covid-19>

- (3) The residence checking requirement in subclause (1) must be satisfied for each member of the public:
- (a) aged 18 years or older, by that person or someone responsible for their care and support; or
 - (b) who is an unaccompanied person aged 15 years or older but under 18 years, by that person; or
 - (c) who is an accompanied person aged under 18 years, by their carer, parent or guardian.
- (4) If a member of the public produces photo identification in accordance with subclause (2)(b)(i) which appears to be valid, a person required to comply with the residence checking requirement in subclause (1) is entitled to rely on such photo identification as proof of that member of the public's ordinary place of residence.
- (5) If a person collects personal information in the process of complying with the residence checking requirement in subclause (1), that person must:
- (a) use reasonable endeavours to protect the personal information from use or disclosure; and
 - (b) destroy the information as soon as reasonably practicable, unless another statutory requirement permits or requires the personal information to be retained.

Note 1: under this clause, 'reasonable endeavours' does not require a business or undertaking to employ additional staff to meet this requirement.

Example: for online bookings and unstaffed facilities (or times when facilities are unstaffed), reasonable endeavours does not require extra staff to be employed for these purposes; instead the residence checking requirement might be met by other means such as enquiries at or after the time of booking, online or email provision of the required information and signs at the unstaffed facilities.

*Note 2: members of the public whose ordinary place of residence is in Metropolitan Melbourne are still permitted to travel outside of Metropolitan Melbourne for reasons set out in the **Stay Safe Directions (Metropolitan Melbourne)**.*

Example: a person can travel to an area outside of Metropolitan Melbourne for work (such as delivering food to a food and drink facility) or education, or for care or compassionate reasons (such as visiting their child).

*Note 3: under the **Stay Safe Directions (Metropolitan Melbourne)**, restrictions in the **Stay Safe Directions (Metropolitan Melbourne)** follow a person when they leave Metropolitan Melbourne.*

6 Physical recreational facilities

- (1) A person who owns, controls or operates a **physical recreational facility** in Regional 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, 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) an indoor skatepark;

- (g) a trampolining centre,

- (h) a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring facility**;

but does not include:

- (i) a skatepark in an **outdoor space**;

- (j) outdoor communal exercise equipment;

- (k) a **creative arts facility**.

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

Physical recreation and community sport

- (3) A person who owns, controls or operates a physical recreational facility in Regional Victoria may operate that facility for the purpose of physical recreation or community sport by **members of the public** if:

- (a) the number of members of the public permitted in any indoor space or any outdoor space at any one time is limited to the **density quotient**; and

- (b) subject to subclause (4), the total number of members of the public at the facility at any time (with infants under one year of age not counting towards this limit) does not exceed 150, with no more than a total of 50 members of the public in all indoor spaces combined; and

- (c) the number of members of the public in a group at any one time is limited to 10 in an indoor space and 20 in an outdoor space (with infants under one year of age not counting towards this limit); and

- (d) the number of people present to conduct physical recreation or community sport is limited at all times to the minimum number required for that purpose; and

Note: persons required to facilitate the activity at the physical recreation facility may include teachers, instructors, trainers, coaches and umpires, as well as carers, parents and guardians attending to support participation of a child or a person with disability, are permitted to attend the facility. General spectators are not permitted.

- (e) any shared equipment is **cleaned** between users; and
- (f) any food and drink facility within the physical recreational facility operates in accordance with the requirements of clause 14 (food and drink facilities); and
- (g) any retail facility within the physical recreational facility operates in accordance with the requirements of clause 12 (retail facility).

Exception – groups that can be distanced by 100 metres

- (4) Despite subclause (3), a person who owns, controls or operates a physical recreational facility in Regional Victoria is not required to comply with the requirement in subclause (3)(b) if it permits members of the public to conduct physical recreation or community sport in groups in an outdoor space who are able to maintain a distance of at least 100 metres from any other group at all times.

Example: at a golf course, there may be more than 150 members of the public, so long as no group is larger than 20 members of the public and a distance of at least 100 metres between all groups can be maintained at all times.

Exception – community sport

- (5) Despite subclause (3), a person who owns, controls or operates a physical recreational facility in Regional Victoria may operate that facility for the purpose of community sport by members of the public and is not required to comply with the requirements in subclauses (3)(a) and (c) provided that the community sport is conducted in accordance with the same requirements imposed on members of the public in subclauses 6A(1)(a) to (c).

Exception - professional or high performance sport

- (6) Despite subclause (3), a person who owns, controls or operates a physical recreational facility in Regional Victoria is not required to comply with the requirements in subclauses (3) for the purpose of:
- (a) the exclusive use for professional or high-performance sports, provided that no spectators are present, no participants in a competition are from Metropolitan Melbourne and only persons who are necessary for the conduct of the activity (including the broadcasting of the activity) are permitted to attend the facility; or
- (b) conducting a professional sporting event that has been approved to proceed with no spectators by the Chief Health Officer through the **Public Event Framework**.

Exception – school or educational swimming purposes

- (7) A person who owns, controls or operates a physical recreational facility may operate that facility for the purpose of:
- (a) providing the facility for the exclusive use by a single **school** at any one time for use for educational purposes and is not required to comply with subclause (3)(a) to (c) and (f); or
- (b) providing the facility for swimming or water safety lessons and is not required to comply with subclause (3)(a).

Note: the operation of the physical recreation facility must comply with all other requirements of subclause (3).

6A Community sport

- (1) A member of the public may only participate in community sport for the purposes of training or competition if:
- (a) it is conducted in Regional Victoria; and
 - (b) it does not involve a participant who ordinarily resides in Metropolitan Melbourne, unless a person travels to Regional Victoria to facilitate community sport for work purposes; and
- Example: persons required to facilitate the community sport may include trainers, coaches, officials and umpires.*
- (c) no more than the minimum number of people required to conduct the sport participate in the activity; provided that no more than:
 - (i) 10 members of the public participate in individual events held in an indoor space; or
 - (ii) 20 members of the public participate in individual events held in an outdoor space.

Example: running and cycling are individual events.

7 Community facilities

- (1) A person who owns, controls or operates a **community facility** in Regional 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 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 facility, hydrotherapy pool, spa, sauna, steam room or spring facility.
- (3) A person who owns, controls or operates a community facility in Regional Victoria may only operate that facility for members of the public if:
- (a) any wedding or funeral held at the facility complies with the requirements of the **Stay Safe Directions (Regional Victoria)**; and
 - (b) subject to subclause (d), the number of members of the public permitted in each indoor space or outdoor space at any one time is limited to the density quotient; and
 - (c) there are no more than 10 members of the public in any one group; and
 - (d) the total number of members of the public (with infants under one year of age not counting towards this limit) at the facility at any time does not exceed 150, with no more than a total of 75 members of the public in all indoor spaces combined; and

- (e) in addition to the maximum number of members of the public permitted in accordance with subclauses (b) to (d), the number of people present to conduct an activity is limited at all times to the minimum number required for that purpose.

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 18.

- (4) Despite subclause (3), a person who owns, controls or operates a community facility in Regional Victoria may do so:
 - (a) for the purpose of hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise) and is not required to comply with subclause 3(b) to (d) except if the essential public support service is the provision of a support group service; or
Examples: a food bank or a service for homeless persons.
Note 1: support groups do not fall within this exception and must comply with the restrictions in subclause (3).
Note 2: only members of the public receiving this service and those conducting it can be present.
 - (b) for the purpose of providing an exclusive venue for the exclusive use of a single school at any one time for educational or school gathering purposes, and is not required to comply with subclause 3(b) to (d); or
 - (c) for the purpose of operating the facility in accordance with the restrictions under the **Workplace Directions** in any area that is not accessible to members of the public.
- (5) Despite subclause (3), a person who owns, controls or operates an outdoor **playground**, outdoor skatepark or outdoor communal exercise equipment may operate that facility for its ordinary purpose for use by members of the public and is not required to comply with the requirements in subclause (3).

8 Creative arts facility

- (1) A person who owns, controls or operates a **creative arts facility** in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A person who owns, controls or operates a creative arts facility in Regional Victoria may only operate the facility if:
 - (a) subject to subclause (c), the number of members of the public permitted in any indoor space or any outdoor space at any one time is limited to the density quotient; and
 - (b) there are no more than 10 members of the public in any one group; and
 - (c) the total number of members of the public at the facility at any time does not (with infants under one year of age not counting towards this limit) exceed 150, with no more than a total of 75 members of the public in all indoor spaces combined; and
 - (d) the number of people present to conduct an activity is limited at all times to the minimum number required for that purpose; and

Note: the persons conducting an activity are not included for the purpose of calculating the limit on the number of members of the public referred to in subclause (a) to (c).

 - (e) any equipment used in an activity is cleaned between users.
- (3) Despite subclause (2), a person who operates a facility described in subclause (2) may operate that facility for the purpose of providing an exclusive venue for the exclusive use of a single school at any one time for educational or school gathering purposes is not required to comply with the requirements in subclauses (2)(a) to (c).

9 Entertainment facilities

- (1) A person who owns, controls or operates an **entertainment facility** in Regional 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, excluding a drive-in 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 **retail betting venue**;
 - (j) a **gaming machine area**;
 - (k) a **brothel, sex on premises venue** or **sexually explicit entertainment venue**;
 - (l) a **bingo centre**;
 - (m) an escape room;
 - (n) an **animal facility**;
 - (o) a **karaoke facility**;
 - (p) a **nightclub**; and
 - (q) a convention centre.

Indoor and seated outdoor entertainment facility

- (3) A person who owns, controls or operates a facility in subclause (2)(a) (theatre), (2)(b) (cinema excluding a drive-in cinema), (2)(c) (music hall, concert hall or auditorium), (2)(d) (gallery or a museum except an outdoor gallery or museum), (2)(e) (State Library), (2)(f) (arena or stadium), or (2)(o) (animal facility except an outdoor animal facility) or (2)(r) (convention centre) in Regional Victoria may only operate the facility if:

- (a) the number of members of the public permitted at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) in any outdoor non-seated space or indoor non-seated space, the density quotient; and
- (b) in any seated space, 50 per cent of the maximum seated capacity for that space; and the total number of members of the public (with infants under one year of age not counting towards this limit) permitted at the facility at any time does not exceed 150, with no more than 75 members of the public in all of the indoor spaces at the facility combined.

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 18.

- (c) no more than 10 members of the public are permitted in any one group in an indoor space and 20 members of the public in any group in an outdoor space; and

- (d) any food and drink facility within the entertainment facility operates in accordance with the requirements of clause 14 (food and drink facilities); and
- (e) any retail facility within the entertainment facility operates in accordance with the requirements of clause 13 (retail facility).

Exception – exclusive use by a single school

- (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 at any one time for educational or school gathering purposes is not required to comply with the requirements in subclauses (3)(a) to (d).

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 people other than students and staff are permitted to attend. If other guests attend, then the limits in subclauses (3)(a) to (d) apply.

Non-seated outdoor entertainment facility

- (5) A person who owns, controls or operates an outdoor facility in subclause (2)(d) (outdoor gallery or a museum only) or (2)(n) (outdoor animal facility only) in Regional Victoria may only operate the facility if:

- (a) the number of members of the public permitted in each non-seated outdoor space or non-seated indoor space at any one time is limited to the density quotient; and
- (b) the number of members of the public permitted in each seated space at any one time is limited to 50% of the maximum seated capacity for that space; and
- (c) the total number of members of the public permitted in all of the indoor spaces at the facility at any time does not exceed 75; and

Note: there is no limit on the total number of members of the public permitted in outdoor spaces across the facility, provided that the limits on each space are met.

- (d) no more than 10 members of the public are permitted in any one group in an indoor space and 20 members of the public in any one group in an outdoor space; 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 18.

- (e) any food and drink facility within the entertainment facility operates in accordance with the requirements of clause 14 (food and drink facilities); and
- (f) any retail facility within the entertainment facility operates in accordance with the requirements of clause 12 (retail facility).

Exception – exclusive use by a single school

- (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 at any one time for educational or school gathering purposes is not required to comply with the requirements in subclauses (5)(a) to (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 people other than students and staff are permitted to attend. If other guests attend, then the limits in subclauses (5)(a) to (e) apply.

Drive-in cinema

- (7) A person who owns, controls or operates a drive-in cinema in Regional Victoria may operate the facility if:

- (a) the cinema is in an outdoor space accessed by **vehicles**; and
- (b) members of the public are not permitted to be seated outside of their vehicles; and

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

- (c) the number of members of the public permitted (with infants under one year of age not counting towards this limit):
 - (i) at the facility at any time is limited to 150, with no more than 75 members of the public in all of the indoor spaces at the facility combined; and
 - (ii) in each indoor space or outdoor space at any one time is limited to the density quotient; and
- (d) any food and drink facility within the entertainment facility operates in accordance with the requirements of clause 14 (food and drink facilities).

Retail betting venue

- (8) A person who owns, controls or operates a retail betting venue in Regional Victoria may only operate the venue during the restricted activity period if:
 - (a) the number of members of the public permitted in any indoor space or outdoor space is limited to the density quotient; and
 - (b) the total number of members of the public at the facility at any time does not exceed 150 (with infants under one year of age not counted towards this limit), with no more than 75 members of the public in all of the indoor spaces at the facility combined.

Arcades, escape rooms and bingo centres

- (9) A person who owns, controls or operates an arcade, escape room or bingo centre in Regional Victoria may only operate the facility during the restricted activity period if:
 - (a) subject to subclause (b), the number of members of the public permitted in any outdoor space or indoor space at any one time is limited to the density quotient; and
 - (b) the total number of members of the public permitted at the facility at any time does not exceed 50 (with infants under one year of age not counting towards this limit).

Amusement parks

- (10) A person who owns, controls or operates an amusement park in Regional Victoria may only operate the facility during the restricted activity period if:
 - (a) subject to subclause (b), the number of members of the public permitted in any outdoor space or indoor space at any one time is limited to the density quotient; and
 - (b) the total number of members of the public permitted at the facility at any time does not exceed 100 (with infants under one year of age not counting towards this limit), with no more than a total of 50 members of the public in all indoor spaces combined; and
 - (c) any food and drink facility within the physical recreational facility operates in accordance with the requirements of clause 14 (food and drink facilities); and
 - (d) retail facility within the physical recreational facility operates in accordance with the requirements of clause 12 (retail facility).

Gaming machine area

- (11) A person who owns, controls or operates a gaming machine area in Regional Victoria may only operate the facility during the restricted activity period if:
 - (a) each gaming machine is either spaced at least 1.5m apart or every second gaming machine is turned off; and
 - (b) an employee or employees of the operator have been designated as a **COVID Marshal**:

- (i) whose role is to monitor compliance with these directions; and
- (ii) who has successfully completed training provided by the operator that is in accordance with guidance from the **Department**; and who is present at the gaming machine area whenever it is operational; and
- (c) the number of members of the public permitted in any outdoor space or indoor space at any one time is limited to the density quotient; and
- (d) the total number of members of the public permitted in the gaming machine area at any time does not exceed 50 (with infants under one year of age not counting towards this limit),

provided that, where the gaming machine area is within a larger facility that is subject to restrictions under these directions, the number of members of the public in the gaming machine area at any time is included within the cap that is applicable to that larger facility.

Sex on premises, brothels and sexually explicit entertainment venues

- (12) A person who owns, controls or operates a sex on premises venue, brothel or a sexually explicit entertainment venue in Regional Victoria may only operate the facility during the restricted activity period if:
- (a) subject to subclause (b), the number of members of the public permitted in any outdoor space or indoor space at any one time is limited to the density quotient; and
 - (b) the total number of members of the public permitted at the facility at any time does not exceed 100, with no more than a total of 50 members of the public in all indoor spaces combined.

Karaoke facilities and nightclubs

- (13) A person who owns, controls or operates a karaoke facility or a nightclub in Regional Victoria may only operate the facility during the restricted activity period if:
- (a) subject to subclause (b), the number of members of the public permitted in any outdoor space or indoor space at any one time is limited to the density quotient; and
 - (b) the total number of members of the public permitted at the facility at any time does not exceed 50 members of the public (with infants under one year of age not counting towards this limit); and
 - (c) members of the public at the facility remain seated except when ordering food or drink, using toilets or entering and leaving the facility.

10 Places of worship

- (1) A person who owns, controls or operates a **place of worship** in Regional Victoria may only operate that place of worship during the restricted activity period in accordance with these directions.
- (2) A person who owns, controls or operates a place of worship in Regional Victoria may only operate that facility if:
- (a) the number of members of the public in any indoor space or outdoor space is limited to the density quotient; and
 - (b) the total number of members of the public at the facility at any time does not exceed 150, with no more than a total of 75 members of the public in all indoor spaces combined; and
 - (c) the number of people present to conduct or facilitate a service is limited at all times to the minimum number required for that purpose; and

Note: the persons required to conduct and/or facilitate a service are not included in the limit of people referred to in subclause (a).

- (d) any weddings and funerals are compliant with the requirements of the **Stay Safe Directions (Regional Victoria)**; and
 - (e) any religious gatherings or ceremonies are conducted at either the place of worship or an outdoor space proximate to the place of worship; and
 - (f) any support group conducted at the place of worship is attended by no more than (excluding any person necessary for the delivery of the support group):
 - (i) 10 members of the public per group held in an indoor space; and
 - (ii) 20 members of the public per group held in an outdoor space; and

Examples: for alcohol and drugs, family violence and parenting
 - (g) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public.
- (3) Despite subclause (2), a person may operate a place of worship without complying with subclause (2) if it is for the purpose of:
- (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); and
- Examples: a food bank, a service for homeless persons.*
- (b) providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes at any one time.
- 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 people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (2) apply.*

11 Funeral providers and crematoriums

- (1) A person who owns, controls or operates a funeral home or crematorium in Regional Victoria may only do so during the restricted activity period if:
- (a) any funeral conducted is compliant with the requirements of the **Stay Safe Directions (Regional Victoria)**; and
 - (b) the number of members of the public in any indoor space and outdoor space is limited to the density quotient; and
 - (c) the total number of members of the public at the facility at any time does not exceed 75 (with infants under one year of age not counting towards this limit); and
 - (d) ensure the number of people present to conduct or facilitate a funeral service is limited at all times to the minimum number required for that purpose; and
- Note: the persons required to conduct and/or facilitate a funeral service are not included in the limit of people referred to in subclause (b).*
- (e) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public.

12 Retail facilities

- (1) A person who owns, controls or operates a **retail facility**, including a **restricted retail facility** or an auction house, in Regional 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 retail facility, a restricted retail facility or an auction house in Regional Victoria may only operate that facility if:
- (a) the number of members of the public in any indoor space and outdoor space is limited to the density quotient; and

- (b) for a facility that operates out of a private residence, the entrance used by members of the public to access the facility and the entrance used by residents and visitors to access the private residence are separate; and
- (c) in respect of a retail facility that is an auction house, the maximum capacity at the facility is limited to 150 members of the public, with no more than 75 members of the public permitted in all of the indoor spaces combined (with infants under one year of age not counting towards this limit); and
- (d) in respect of the operation of restricted retail facilities only, a client wears a face covering for the duration of the service or procedure, other than when the client is receiving services or undertaking procedures that require the removal of the face covering or where the client is exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Regional Victoria)**.

Example 1: services such as facials, face waxing and beard trimming around the mouth, nose or cheeks do not require the client to wear a face covering because such services could not be provided if a face covering were worn during the service or procedure.

Example 2: a person under the age of 12 years and a person who has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable, are not required to wear a face covering.

13 Pubs, bars, clubs, nightclubs and hotels

- (1) A person who owns, controls or operates a **licensed premises** in Regional 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**, a **club licence** or a **packaged liquor licence**.
- (3) A person who owns, controls or operates a licensed premises in Regional Victoria may operate those premises only for the purposes of:
 - (a) operating a **bottleshop**; or
 - (b) providing food or drink in accordance with clause 14; or
 - (c) providing accommodation in accordance with clause 15; or
 - (d) operating a retail betting venue in accordance with clause 9(8); or
 - (e) operating a gaming machine area in accordance with clause 9(11); or
 - (f) operating a sexually explicit entertainment venue in accordance with clause 9(12); or
 - (g) operating a karaoke facility or nightclub in accordance with clause 9(13).

14 Food and drink facilities

- (1) A person who owns, controls or operates a **food and drink facility** in Regional 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) a food court.

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

- (3) A person who owns, controls or operates a food and drink facility in Regional Victoria may operate that facility to permit members of the public to consume food or drinks only if:

- (a) subject to subclause (b), the number of members of the public in any indoor space or outdoor space is limited to the density quotient; and
- (b) the total number of members of the public at the facility at any time does not exceed 150, with no more than a total of 75 members of the public in all indoor spaces combined; and

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

- (c) there are no more than 10 people in any one group; and
- (d) members of the public at the premises remain seated except when ordering food or drink, using toilets or entering and leaving the facility; and
- (e) any dancefloors in the facility are closed at all times; and
- (f) any weddings held at the facility comply with the **Stay Safe Directions (Regional Victoria)**.

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

Note: 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 people other than students and staff are permitted to attend.

15 Accommodation facilities

- (1) A person who owns, controls or operates an **accommodation facility** in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) An **accommodation facility** includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a camping ground;
 - (b) a caravan park;
 - (c) a hotel;
 - (d) a hostel;
 - (e) a bed and breakfast;
 - (f) a private holiday rental facility, including Airbnbs;
 - (g) a motel;
 - (h) a serviced apartment.

- (3) A person who owns, controls or operates an accommodation facility in Regional Victoria may operate that facility for the purposes of providing accommodation only if:
- (a) the ordinary place of residence of the member of the public is in Regional Victoria unless the person requires accommodation, on a temporary basis, due to their travel within Regional Victoria for reasons set out in the **Stay Safe Directions (Metropolitan Melbourne)**; and
 - (b) the number of members of the public in any communal indoor or outdoor space is limited to the density quotient; and
 - (c) each booking consists only of either:
 - (i) members of the one household, or the intimate partners of the members in that household; or
 - (ii) a **nominated person** and a **nominee person**; and
 - (d) in respect of any person or group staying at an accommodation facility under the same booking, the person or group do not have more than 2 visitors per day, calculated in accordance with subclause (4); and
 - (e) members of the public under different bookings do not share any bedrooms; and
 - (f) all surfaces in the facility that are used exclusively by a particular group, including a hotel room or cabin, are cleaned between each booking.

*Note: nothing in this subclause (3) 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**.*

Visitors to any person or group in a booking

- (4) For the purposes of calculating the number of permitted visitors per day to a person or group in each booking;
- (a) any person who is part of the group staying at the accommodation facility should be included as a visitor if that person;
 - (i) does not ordinarily reside with the person who made the booking; or
 - (ii) is not in an intimate personal relationship with the person who made the booking or with a person who ordinarily resides with a person who made the booking who is also staying at the accommodation facility; or
 - (iii) is a nominated person or a nominee person; and
 - (b) any person who is not part of the group staying at the accommodation facility should be excluded from the visitor cap if that person:
 - (i) ordinarily resides with the person who made the booking; or
 - (ii) is in an intimate personal relationship with the person who made the booking or with a person who ordinarily resides with a person who made the booking who is also staying at the accommodation facility; or
 - (iii) is an infant under one year of age; or
 - (iv) is a child or dependant of a person listed in subclause (a) and that person cannot access any alternative care arrangement (whether on a paid or voluntary basis) or leave their child or dependant unattended so that they can enter the premises in accordance with subclause (3) without the child or dependent.

Example: if a person books accommodation in for themselves, their intimate partner, their four housemates, and one additional person, the additional person is considered a visitor and one further member of the public can visit the group at the accommodation facility.

Accommodation facilities - other

- (5) Despite subclause (3) a person who owns, controls or operates an accommodation facility in Regional Victoria is not required to comply with the requirements in subclause (3) if they operate that facility:

- (a) for the purposes of providing emergency accommodation, refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**; or
- (b) as an exclusive facility for a single school at any one time for educational purposes.

Note: 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 people other than students are permitted to attend.

16 Real estate auctions and inspections

- (1) During the restricted activity period, in Regional Victoria, an estate agent may organise:
 - (a) an auction to take place for the sale of **real estate**, only if that auction is conducted in an outdoor space and to be attended in person by the number of members of the public (with any infant under one year of age not counting towards this limit) that is no more than the lesser of:
 - (i) the density quotient; and
 - (ii) 50,
 excluding the owners or residents of the property and the minimum number of persons required to conduct or broadcast the auction, whether or not other members of the public also attend remotely; or
 - (b) an inspection by members of the public of real estate only if it is for the purposes of a prospective sale or rental of the property, arranged by private appointment and the number of members of the public is limited to the lesser of:
 - (i) the density quotient in an indoor space or an outdoor space; and
 - (ii) 10.

Note: the persons required to conduct and/or facilitate an inspection are not included either the limit on the number of people attending.

17 Tours and transport

Licensed tourism operator

- (1) During the restricted activity period in Regional Victoria, a **licensed tourism operator** may only organise or operate licensed tourism services within Regional Victoria for members of the public if:
 - (a) the number of members of the public attending a tour does not exceed (with any infant under one year of age not counting towards these limits):
 - (i) for tours provided in an outdoor space, the lesser of the density quotient or 50 per tour, with a maximum of 20 in any one booking, unless all members of the group reside at the same premises; and
 - (ii) for tours provided in an indoor space, the density quotient, with a maximum of 10 in any one tour, unless all members of the group reside at the same premises; and
 - (b) no more than 10 members of the public are transported in a vehicle at any one time; and
 - (c) licensed tourism services are not operated by more than the minimum number of persons required; and

Note: the minimum number of persons required to operate a tour is in addition to the limits in subclauses (a) and (b).

 - (d) no more than one tour attends the same outdoor space or indoor space at any one time, except where a reasonable distance between tours can be maintained at all times; and

- (e) the licensed tourism services only originate, occur and conclude within Regional Victoria; and
- (f) the licensed tourism operator complies with the records requirement; and
- (g) if any communal equipment is to be used, it must be cleaned between tours and not shared between members of the public in a tour group.

18 Public Events

(1) For the purpose of this clause:

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

- (i) an event (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, indoor space or outdoor space where such an event (or a series of events) forms part of the routine operations, use, activities or services of the facility, venue, indoor space or outdoor 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, indoor space or outdoor space which forms part of the ad hoc or routine operations, use, activities or services of the facility, venue, indoor space or outdoor 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 14 (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 (Regional 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).

(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 one or more persons who are subject to a requirement under these directions to conduct one or more eligible public events (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 subclause (d), an exemption is granted; and
 - (d) may impose conditions on an exemption.
- (5) An exemption under subclause (3) does not prevent:
 - (a) the Chief Health Officer or Deputy Chief Health Officer exercising any power the Chief Health Officer or Deputy Chief Health Officer is authorised to exercise under the **PHW Act**; or
 - (b) an authorised officer from exercising any power the authorised officer is authorised to exercise under the **PHW Act**, including ensuring compliance with:
 - (i) the extent of an exemption granted under subclause (3) (including any conditions on an exemption); or
 - (ii) the requirements of all other Directions currently in force.

19 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**.

20 Relationship with other directions

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

21 Other definitions

For the purposes of these directions:

- (1) **access issue** means an absence of mobile phone or internet coverage or other temporary or non-temporary technical issue;
- (2) **accommodation facility** has the meaning in clause 15(2);
- (3) **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;
- (4) **Area Directions** means the **Area Directions (No. 11)** as amended from time to time;

- (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) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (9) **community facility** has the meaning in clause 7(2);
- (10) **COVID Marshal** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;
- (11) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (12) **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**.
- (13) **density quotient** means the number of members of the public in an indoor space and/or outdoor space is limited (with infants under one year of age not counting towards this limit) to the number calculated by dividing the total area of the relevant space accessible to members of the public (measured in square metres) by 4;
- (14) **Department** means the Department of Health;
- (15) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 23)** as amended or replaced from time to time;
- (16) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (17) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Metropolitan Melbourne)**;
- (18) **entertainment facility** has the meaning in clause 9(2);
- (19) **essential maintenance** means:
 - (a) treating or caring for animals or performing an animal rescue function; or
 - (b) critical maintenance and safety works including to satisfy environmental obligations;
- (20) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (21) **face covering** has the same meaning as in the **Workplace Directions**;
- (22) **food and drink facility** has the meaning in clause 14(2);
- (23) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (24) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (25) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (26) **hairdressing** has the same meaning as in the **PHW Act**;

- (27) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the **PHW Act**;
- (28) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (29) **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** or **food and drink 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;
- (30) **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.
- (31) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (32) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (33) **licensed premises** has the meaning in clause 13(2);
- (34) **licensed tourism operator** means a person granted a tour operator licence under:
- (a) section 21B of the **Crown Land (Reserves) Act 1978**; or
 - (b) section 57F of the **Forests Act 1958**; or
 - (c) section 140I of the **Land Act 1958**; or
 - (d) section 27D of the **National Parks Act 1975**; or
 - (e) section 21B of the **Wildlife Act 1975**;
- (35) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (36) **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;
- (37) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**
- (38) **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**;
- (39) **nominated person** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (40) **nominee person** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (41) **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;
- (42) **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.
- (43) **non-seated space** means a **non-seated indoor space** or a **non-seated outdoor space**;
- (44) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;

- (45) **outdoor space** means a space that is not an **indoor space**;
- (46) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (47) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (48) **physical recreational facility** has the meaning in clause 6(2);
- (49) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (50) **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**;
- (51) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**;
- (52) **premises** has the same meaning as in the **PHW Act**;
- (53) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (54) **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.
- (55) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (56) **Regional Victoria** has the same meaning as in the **Area Directions (No. 10)** as amended or replaced from time to time;
- (57) **restricted activity period** has the meaning in clause 4;
- (58) **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;
- (59) **retail facility** means a **premises**, or part of a premises, that are used wholly or predominantly for the sale or hire of goods by retail, or the retail provision of services and includes a **market**, **retail shopping centre** and supermarkets;
- (60) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (61) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (62) **seated space** means a space with fixed seating;
- (63) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (64) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (65) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (66) **State Library** means the State Library Victoria;
- (67) **Stay Safe Directions (Metropolitan Melbourne)** means the **Stay Safe Directions (Metropolitan Melbourne)** as amended or replaced from time to time;
- (68) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 4)** as amended or replaced from time to time;
- (69) **vehicle** has the same meaning as in the **PHW Act**;
- (70) **visitor** means a person who is not registered to stay overnight at an **accommodation facility**;

- (71) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (72) **work premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (73) **worker** has the same meaning as in the **Workplace Directions**;
- (74) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 27)** as amended or replaced from time to time;
- (75) **Workplace Directions** means the **Workplace Directions (No. 32)** as amended or replaced from time to time;
- (76) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

22 Penalties

Section 203 of the **PHW Act** provides:

Compliance with direction or other requirement

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

*Note: section 209 of the **PHW Act** provides for infringement notices to be served on any person who has refused or failed 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. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.*

Dated 10 June 2021

PROFESSOR ALLEN CHENG
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the **PHW Act**

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Stay Safe Directions (Metropolitan Melbourne)**

I, Professor Allen Cheng, Acting 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 **Metropolitan Melbourne** by the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Stay at Home Directions (Metropolitan Melbourne)**.
- (4) These directions require everyone who ordinarily resides in Metropolitan Melbourne to limit their interaction with others by:
 - (a) restricting the circumstances in which they may leave Metropolitan Melbourne; and
 - (b) restricting private and public gatherings, including prohibiting visitors to another person's home other than in limited circumstances; and
 - (c) requiring **face coverings** to be carried and worn in certain circumstances.

2 Citation

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

3 Revocation

The **Stay at Home Directions (Metropolitan Melbourne)** are revoked at 11:59:00 pm on 10 June 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 10 June 2021 and ending at 11:59:00 pm on 17 June 2021.

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

- (1) A person who ordinarily resides in Metropolitan Melbourne during the stay safe period may leave the premises where the person ordinarily resides for any reason.
- (2) When leaving their premises, a person:
 - (a) must comply with the travel restrictions in subclauses (3), (3A) and (3B);
 - (b) must not travel to Regional Victoria other than in accordance with subclauses (4), (5), (6) and (7);
 - (c) must comply with the face covering requirements in subclauses (12), (13), (14) and (15); and
 - (d) must comply with the restrictions on gatherings in clause 11 (**gatherings**); and
 - (e) 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 (Metropolitan Melbourne)**; and

- (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Metropolitan Melbourne)** 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**.*

Travel restrictions

- (3) Subject to subclauses (3A), (3B) and (4), a person who ordinarily resides in Metropolitan Melbourne during the stay safe period must not travel further than 25km from their ordinary place of residence other than in accordance with:
- clause 6 (**necessary goods or services**);
 - clause 7 (**care and compassionate reasons**);
 - clause 8 (**work or education**);
 - clause 9 (**other specified purposes**);
 - clause 10 (**nearest SARS CoV-2 vaccinations**).
- (3A) A person is permitted to exercise in an area that is further than 25km from their ordinary place of residence if:
- the area is within 25km of their work premises; and
 - the person only exercises outdoors; and
 - the person does not enter any facility that is open pursuant to the **Restricted Activity Directions (Metropolitan Melbourne)**.
- (3B) A person may leave the premises under subclause (1) to attend work in accordance with subclause (3) if:
- it is not reasonably practicable for the person to work from the premises where they ordinarily reside or another suitable premises; and
 - in relation to office-based work premises, if the person who has employed or engaged the person to work has advised that it is permissible to do so in accordance with the Directions currently in force.

Note: this subclause applies to persons who do not travel more than 25km from their ordinary place of residence for the purpose of work. This requirement also applies to persons who are permitted to travel more than 25km from their ordinary place of residence for the purpose of work pursuant to clause 8(2)(a).

Requirement to stay in Metropolitan Melbourne

- (4) Subject to subclauses (6) and (7), a person who ordinarily resides in Metropolitan Melbourne during the stay safe period must not leave Metropolitan Melbourne other than in accordance with:
- clause 6 (**necessary goods or services**);
 - clause 7 (**care or other compassionate reasons**);
 - clause 8 (**work or education**);
 - clause 9 (**other specified reasons**);
 - clause 10 (**nearest SARS-CoV-2 vaccination**).
- (5) If a person who ordinarily resides in Metropolitan Melbourne leaves Metropolitan Melbourne in accordance with subclauses (4) or (6):
- these directions and the **Restricted Activity Directions (Metropolitan Melbourne)** apply to that person when outside of Metropolitan Melbourne as if they were in Metropolitan Melbourne; and

- (b) the person may only access facilities in **Regional Victoria**:
 - (i) for the purpose for which they are permitted to travel to Regional Victoria in accordance with subclause (4) or (6); or
 - (ii) that are:
 - (A) a **retail facility** (other than a **restricted retail facility**), for the purpose of obtaining essential goods or services; or
 - (B) a **food and drink facility**, to obtain take away food or drink; or
 - (C) an **accommodation facility**, for the purpose of accommodation required to enable the purpose for which the person is permitted to travel to Regional Victoria in accordance with subclause (4) or (6).

Example: A person permitted to travel to Regional Victoria for work may enter a restaurant to purchase take away food, but may not dine in the restaurant.

Principal place of residence

- (6) If a person has more than one ordinary place of residence, their place of residence as at 11:59:00 pm on 27 May 2021 must remain their principal place of residence for the duration of the stay safe period. If the person's principal place of residence is:
 - (a) within Metropolitan Melbourne, they must not leave to go to any other ordinary place of residence (regardless of whether it is within or outside Metropolitan Melbourne) unless that residence is in Metropolitan Melbourne and is within 25km of their principal place of residence; or
 - (b) outside Metropolitan Melbourne, they must not leave to go to any other ordinary place of residence within Metropolitan Melbourne,except:
 - (c) for the purposes of (and provided they comply with) clause 8 (**work or education**); or
 - (d) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (e) for emergency maintenance of the other residence; or
 - (f) for emergency purposes (other than emergency maintenance); or
 - (g) as required or authorised by law.

Ordinary place of residence

- (7) Subject to subclauses (8) and (9), subclauses (1) and (6) do 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 Metropolitan Melbourne; or
 - (b) has an ordinary place of residence or principal place of residence (as applicable) in Metropolitan Melbourne, 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).
- (8) If a suitable premises is made available for a person identified in subclause (7) 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) and subclause (1) applies accordingly.
- (9) If subclause (7) applies and if a person has more than one ordinary place of residence and can choose another such residence to be their principal place of residence for the stay safe period (or part thereof), that residence is taken to be the person's principal place of residence and subclause (6) applies accordingly.

- (10) If a person's ordinary place of residence is outside Victoria, the premises where that person is temporarily residing in Victoria during the stay safe period (or part thereof) is taken to be the person's ordinary place of residence for the period (or part thereof).

Note: a person who is visiting and staying in Victoria, whether from overseas or interstate, is taken to be temporarily residing in Victoria. Where that person is staying in Victoria, these directions apply to them.

- (11) 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.

Example: subclause (11) applies if a person sells their ordinary place of residence, has purchased a new ordinary place of residence and wishes to move between them for the purposes of relocating. Otherwise, movement between multiple ordinary places of residence is regulated by subclause (6).

Face covering requirements

- (12) Subject to subclause (13), a person may only leave the premises under subclause (1) if they:

- (a) carry a face covering at all times, except where subclause (13)(a), (b), (c), (d) or (e) applies; and
- (b) wear a face covering at all times, except where subclause (13) 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.coronavirus.vic.gov.au/face-masks

Note 2: in accordance with clause 5(5), a person who leaves Metropolitan Melbourne in accordance with clause 5(4) remains subject to the face covering requirements which apply to Metropolitan Melbourne.

Note 3: it is strongly recommended that face coverings be worn in other situations when physical distancing is not possible.

- (13) Subclauses (12)(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
- (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
- (h) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or

Examples: teaching, lecturing, broadcasting.

- (i) the person is working by themselves in an enclosed **indoor space** (unless and until another person enters that indoor space); or

Example: a person working by themselves in an office.

- (j) the person is working by themselves in an **outdoor space**, provided there is no other person in that outdoor space, other than a person with whom that person ordinarily resides; or
- (k) the person is visiting a person with whom they are in an intimate personal relationship in accordance with clause 7(1)(k); or
- (l) they are a nominee person or a nominated person visiting each other for the purposes of social interaction in accordance with clauses 7(1)(l) and 11(2)(j); or
- (m) the person is one of two persons being married while in the process of being married; or
- (n) the person is a professional sportsperson when training or competing; or
- (o) the person is engaged in any strenuous physical exercise; or
Examples: jogging, running, swimming, cycling.
- (p) the person is riding a bicycle or a motorcycle; or
- (q) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (r) the person is consuming food, drink or medicine; or
- (s) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (t) 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
- (u) 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 (Metropolitan Melbourne)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
- (v) 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 (Metropolitan Melbourne)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
- (w) the person is an accused person in a criminal case in any court located in Metropolitan Melbourne and the person is in the dock either alone or with a co-accused, provided that any co-accused also present in the dock is at least 1.5 metres away from the person; or
- (x) 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.
- (y) for emergency purposes; or
- (z) when required or authorised by law; or
- (aa) when doing so is not safe in all the circumstances.

Face covering requirements in airports and on aircraft

- (14) Without limiting subclause (12)(b), during the stay safe period, a person in Metropolitan Melbourne at an **airport** or travelling in an **aircraft** must:
- (a) carry a face covering at all times, except where subclause (15)(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.coronavirus.vic.gov.au/face-masks

- (15) Subclauses (14)(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 (Metropolitan Melbourne)**, 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 (Metropolitan Melbourne)**, 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) when required or authorised by law; or
 - (m) when doing so is not safe in all the circumstances.
- (16) An **authorised officer** may require a person to attest in writing that they have complied with the requirements of subclause (14) to wear a face covering on an aircraft (subject to subclause (15)).

PART 3 – EXCEPTIONS TO THE TRAVEL RESTRICTIONS

Note: Part 3 sets out the reasons for which a person may travel more than 25km from their ordinary place of residence or travel into Regional Victoria.

6 Obtaining necessary goods or services

- (1) Subject to subclauses (2) and (3), a person who ordinarily resides in Metropolitan Melbourne may travel:
 - (a) further than 25km from the premises at which they ordinarily reside; or
 - (b) to Regional Victoria.
- (2) A person from Metropolitan Melbourne who obtains necessary goods or services in accordance with subclause (1) where the necessary goods or services are:
 - (a) for health or medical purposes; or
 - (b) provided by a financial institution; or
 - (c) provided by a government body or government agency,
 must not travel more than is reasonably necessary to obtain those goods or services.

- (3) If the necessary goods or services service acquired by a person in accordance with subclause (1) are:
- (a) take away food or drink; or
 - (b) provided by a post office;
 - (c) provided by a **pharmacy**;
 - (d) provided by a petrol station;
 - (e) provided by a pet store or veterinary clinic;
 - (f) provided by a retail facility that is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Metropolitan Melbourne)**,

the place at which the person is obtaining the goods or services must be the closest place to the person's principal place of residence from which those goods or services can be obtained.

Note: a person who ordinarily resides in Metropolitan Melbourne may only visit retail facilities to obtain necessary goods or services outside Metropolitan Melbourne in accordance with clause 5(4) and (5).

7 Care or other compassionate reasons

- (1) A person who ordinarily resides in Metropolitan Melbourne may travel further than 25km from the premises at which they ordinarily reside or to Regional Victoria:
- (a) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (b) if the person is a parent or guardian of a child (with or without that child):
 - (i) to visit the child if the child is in detention, or in the care of another person; or
 - (ii) to meet any obligations in relation to care and support for that child; or
 - (iii) to take the child to another person's premises for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can do one of the things specified in clauses 6 (*necessary goods or services*), 7 (*care or other compassionate reasons*), 8 (*work or education*), 9 (*other specified reasons*) or 10 (*SARS-CoV-2-vaccinations*); or
 - (iv) to take the child to:
 - (A) a **childcare or early childhood service**; or
 - (B) a school or outside school hours care service in which they are enrolled in accordance with clause 8(2); or
 - (c) to provide care and support to a person:
 - (i) who has particular needs because of age, infirmity, disability, illness, a chronic health condition, homelessness or family violence; or
 - (ii) because of matters relating to the other person's health (including mental health or pregnancy); or
 - (d) to receive care and support because:
 - (i) the person has particular needs because of age, infirmity, disability, illness, a chronic health condition, homelessness or family violence; or
 - (ii) of matters relating to the person's health (including mental health or pregnancy); or
 - (e) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions**; or

- (f) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions**; or
- (g) to attend a funeral, wedding or **end of life** activity, if that funeral, wedding or end of life activity complies with the requirements in clause 11; or
- (h) to attend a cemetery or other **memorial** site to pay respects to a deceased person provided that this is only with any other person (or people) who ordinarily resides at the same premises as that person or one other person; or
- (i) to donate biological material at a blood bank or other similar donation facility; or
- (j) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
- (k) to visit a person with whom they are in an intimate personal relationship; or
- (l) if they are a nominee person or a nominated person for the purpose of social interaction in accordance with clause 11(2)(j); or
- (m) to provide child-minding assistance (whether on a paid or voluntary basis); or
- (n) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal.

Examples: feeding a horse in a paddock; collecting a pet from an animal shelter.

Note: the distance travelled and the time taken should be no more than is absolutely necessary.

8 Attending work or education

- (1) A person who ordinarily resides in Metropolitan Melbourne may travel further than 25km from the premises at which they ordinarily reside or to Regional Victoria to:
 - (a) subject to subclause (2), attend work (whether paid or voluntary, including for charitable or religious purposes); or
 - (b) obtain a childcare or early childhood service; or
 - (c) obtain educational services.
- (2) A person who ordinarily resides in Metropolitan Melbourne may travel further than 25km from the premises at which they ordinarily reside under subclause (1)(a) only if attending work in:
 - (a) Victoria if:
 - (i) it is not reasonably practicable for the person to work from the premises where they ordinarily reside or another suitable premises; and
 - (ii) in relation to office-based work premises, if 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
 - (b) another State or Territory if the person complies with the requirements under that State's or Territory's laws.

Note: the Workplace Directions and the Workplace (Additional Industry Obligations) Directions address how certain workplaces should facilitate onsite work.

9 Other exceptions to travel restrictions

- (1) A person who ordinarily resides in Metropolitan Melbourne may travel further than 25km from the premises at which they ordinarily reside or to Regional Victoria:
 - (a) for emergency purposes; or
 - (b) as required or authorised by law; or
 - (c) for purposes relating to the administration of justice, including (but not limited to) attending:
 - (i) a police station; or
 - (ii) a court or other premises for purposes relating to the justice or law enforcement system; or

- (d) for the purpose of driving a person with whom they ordinarily reside where it is not otherwise reasonably practicable for that person to leave their premises for a purpose permitted under, and provided they comply with, these directions; or
Examples: driving a household member who cannot reasonably work from the premises where they ordinarily reside and who does not have a driver's licence, to or from work.
- (e) for the purposes of viewing a property before settlement or before moving into a rental property to conduct a condition report; or
- (f) if the premises in which the person ordinarily resides is no longer available for the person to reside in or is no longer suitable for the person to reside in; or
- (g) for the purposes of moving to a new premises at which the person will ordinarily reside; or
- (h) if the person ordinarily resides outside Victoria, for the purposes of leaving Victoria; or
- (i) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
- (j) for the purposes of **national security**.

10 Nearest SARS-CoV-2 vaccinations

A person who ordinarily resides in Metropolitan Melbourne may travel further than 25km from the premises at which they ordinarily reside or to Regional Victoria, to receive a SARS-CoV-2 vaccination, provided that the facility at which the person is receiving the vaccination is the closest facility to their principal place of residence from which the vaccination can be obtained.

PART 4 – GATHERINGS

11 Restrictions on gatherings

Private gatherings

- (1) During the stay safe period, a person who ordinarily resides in Metropolitan Melbourne 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 provide or receive necessary goods or services; or
 - (d) to attend or undertake work in accordance with clause 8 (**work or education**); or
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.
 - (e) to provide childcare, child-minding, early childhood education, schooling or education services (whether paid or on a voluntary basis); or
 - (f) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (g) if that person is a parent or guardian of a child who ordinarily resides at the premises:
 - (i) to visit that child; or
 - (ii) to meet any obligations in relation to care or support for that child; or
 - (iii) to take the child to another person's premises for the purpose of that other person providing child-minding assistance; or

- (h) to provide care and support to a relative or other person who ordinarily resides at the premises and:
 - (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
 - (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
- (i) to visit someone who ordinarily resides at those premises and with whom they are in an intimate personal relationship; or

Note: people in an intimate personal relationship may stay overnight at each other's ordinary places of residence, and are not required to wear a face covering while visiting each other at those premises, provided they otherwise comply with these directions.
- (j) for a social gathering of a **nominated person** and **nominee person**, provided that:
 - (i) the nominee person is permitting their nominated person (and any child or dependant permitted to accompany them) to enter the premises; or
 - (ii) the nominated person is permitting their nominee person (and any child or dependant permitted to accompany them) to enter the premises, but only while the nominated person is otherwise by themselves at their premises,
 and:
 - (iii) the nominee person has only one nominated person; and
 - (iv) the nominated person has only one nominee person,
 since 11:59:00 pm on 27 May 2021 and for the duration of these directions; or
- (k) to attend a wedding, funeral or **end of life** activity, if that wedding, funeral or end of life activity complies with the requirements in subclauses (6) to (8); or
- (l) to attend a cemetery or other **memorial site** to pay respects to a deceased person provided that this is only with any other person (or people) who ordinarily resides at the same premises as that person or one other person; or
- (m) if the premises in which the person ordinarily resides is no longer available to, or is no longer suitable for, the person; or
- (n) 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 (Metropolitan Melbourne)**; or
- (o) for the purpose of moving to the premises as the place where they will ordinarily reside; or
- (p) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (q) for medical or emergency purposes (other than emergency maintenance); or
- (r) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
- (s) for purposes relating to the administration of justice; or
- (t) as required or authorised by law; or
- (u) for the purposes of national security.

*Note: subclauses (1) and (2) do not apply to a care facility. Any regulation of access and visits to care facilities is contained in the **Care Facilities Directions**.*

- (3) If a person who enters a premises in accordance with subclause (2) is a parent, guardian or carer of a child or dependant and they cannot access any alternative care arrangement (whether on a paid or voluntary basis) or leave their child or dependant

unattended so that they can enter the premises in accordance with subclause (2) without the child or dependant, then the child or dependant may accompany that person when entering the premises in accordance with subclause (2).

- (4) During the stay safe period, a person who ordinarily resides in Metropolitan Melbourne must not permit a person from Regional Victoria to enter the premises at which they ordinarily reside (whether or not entering any building on the premises) unless that other person is entering the premises for one or more of the purposes specified in:

- (a) clause 7 (*care or other compassionate reasons*);
- (b) clause 8 (*work or education*);
- (c) clause 9 (*other specified reasons*),

and provided they comply with any relevant requirements set out in these directions.

Public gatherings

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

Note 1: under subclause (5), the limit on the number of people who may meet in a public place at any one time is 10.

Note 2: two or more groups of 10 cannot meet for a common purpose at a public place. In addition, a group in a public place must take reasonable steps to maintain a safe distance from any other groups in that public place.

Note 3: subclause (5) does not prevent a person attending a public place (for example, a shopping centre) for a purpose (for example, shopping), where other people are also likely to be attending that public place for a similar purpose. It prevents people from attending a public place intending to gather with other people for a common purpose (for example, meeting family or friends at the shopping centre).

- (a) where each other person ordinarily resides at the same premises; or
- (b) for the purpose of a religious gathering (including ceremonies) provided they comply with any requirements of the **Restricted Activity Directions (Metropolitan Melbourne)**; or
- (c) for the purpose of attending a wedding that complies with the requirements in subclause (6A); or

*Note: a person who ordinarily resides in Regional Victoria is permitted to attend a wedding in Metropolitan Melbourne, provided that wedding complies with the **Stay Safe Directions (Metropolitan Melbourne)**. An **authorised celebrant** may enter Metropolitan Melbourne under clause 5(3)(c) of the **Stay Safe Directions (Regional Victoria)**.*

- (d) for the purpose of attending a funeral that complies with the requirements in subclause (7); or
- (e) 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 (Metropolitan Melbourne)**; or
 - (ii) to attend or undertake work in accordance with clause 8 (*work or education*); 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

- (6) The requirements for a wedding that is held at a person's ordinary place of residence in Metropolitan Melbourne are that:
- (a) one or both of the two persons being married:
 - (i) are experiencing end of life; or
 - (ii) would be deported from Australia unless the marriage takes place; and
 - (b) it involves only 5 persons:
 - (i) the two persons being married; and
 - (ii) **the authorised celebrant**; and
 - (iii) two persons witnessing the marriage for the purposes of section 44 of the **Marriages Act 1961** of the Commonwealth.

Note: in relation to a wedding held at a private residence, any other person who ordinarily resides at the premises is not subject to the gathering restrictions in subparagraph (b), but any nominee person or nominated person is subject to these restrictions.

- (6A) The requirements for a wedding in Metropolitan Melbourne that is held in a place other than a person's ordinary place of residence are that it involves no more than:
- (a) the two persons being married; and
 - (b) the authorised celebrant; and
 - (c) the wedding **photographer**; and
 - (d) eight other persons (with any infant under one year of age not counting towards this limit), including two persons witnessing the marriage for the purposes of section 44 of the Marriage Act 1961 of the Commonwealth.

*Note 1: record-keeping requirements apply to weddings as set out in the **Workplace Directions**.*

*Note 2: the requirements for weddings held in Regional Victoria are set out in the **Stay Safe Directions (Regional Victoria)**.*

- (7) The requirements for a funeral held in Metropolitan Melbourne are that:
- (a) it involves no more than:
 - (i) **50 members of the public** (with any infant under one year of age not counting towards this limit); and
 - (ii) no more than the minimum number of persons reasonably necessary for the conduct of the funeral; and
 - (b) if held at a person's ordinary place of residence it involves no more than:
 - (i) any other person (or people) who ordinarily reside at the premises (with any infant under one year of age not counting towards this limit); and
 - (ii) any other person with whom a person in subparagraph (i) is in an intimate personal relationship; and
 - (iii) the minimum number of persons reasonably necessary for the conduct of the funeral.

Note: the persons reasonably necessary for the conduct of the funeral can enter the premises under subclause (2)(d) (work), but any nominee person or nominated person is subject to these restrictions on a funeral held at a private residence.

*Note 1: record-keeping requirements apply to funerals as set out in the **Workplace Directions**.*

*Note 2: the requirements for funerals held in Regional Victoria are set out in the **Stay Safe Directions (Regional Victoria)**.*

- (8) The requirements for end of life activity that is held at a person's ordinary place of residence in Metropolitan Melbourne are that it involves no more than:
- (a) the person experiencing end of life; and
 - (b) any other person (or people) who ordinarily reside at the premises of the person experiencing end of life; and

- (c) any other person with whom a person in subparagraph (i) or (ii) is in an intimate personal relationship; and
 - (d) two other people,
- with any infant under one year of age not counting towards these limits.

PART 5 – OTHER PROVISIONS

12 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.

13 Definitions

For the purposes of these directions:

- (1) **accommodation facility** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (2) **aircraft** means an 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;
- (3) **airport** means an aerodrome at which facilities are available for the arrival or departure of **aircraft** into or from the State of Victoria;
- (4) **Area Directions** means the **Area Directions (No. 11)** as amended or replaced from time to time;
- (5) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (6) **authorised officer** has the same meaning as in the **PHW Act**;
- (7) **Care Facilities Directions** means **Care Facilities Directions (No. 32)** as amended or replaced from time to time;
- (8) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (9) **childcare or early childhood service** means onsite early childhood education and care services or children’s services provided under the:
 - (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services; and
 - (b) **Children’s Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (10) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 23)** as amended or replaced from time to time;

- (11) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (12) **Directions currently in force** means the **Restricted Activity Directions (Metropolitan Melbourne)**, the **Restricted Activity Directions (Regional Victoria)**, the **Stay Safe Directions (Metropolitan Melbourne)**, the **Stay Safe Directions (Regional Victoria)**, the **Area Directions**, 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;
- (13) **end of life** means:
- (a) a situation where a person's death is expected within days (including periods of 14 days or longer), or where the person, with or without existing conditions, is at risk of dying from a sudden acute event; and
- (b) does not mean a situation where a person has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the person is expected to die within 12 months (except where the situation also falls within paragraph (a));
- (14) **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);
- (15) **food and drink facility** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (16) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (17) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 28)** as amended or replaced from time to time;
- (18) **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;
- (19) **memorial** means a place of interment of bodily remains or cremated human remains (including a columbarium), as each of these terms are defined in the **Cemeteries and Crematoria Act 2003**;
- (20) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;
- (21) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (22) **nominated person** means a person nominated by a **nominee person** for social interaction permitted in accordance with these directions;
- (23) **nominee person** means a person who:
- (a) is not in an intimate personal relationship with any person and lives by themselves; or
- (b) is the sole parent or guardian of a child who is under 18 years of age or who has a disability and in either case lives with them,
- and who has nominated one person only to be their **nominated person** for social interaction permitted in accordance with these directions;
- (24) **outdoor space** means a space that is not an **indoor space**;
- (25) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (26) **photographer** means a person who takes photographs as a business and has an Australian Business Number for this purpose;
- (27) **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;

- (28) **prison** has the same meaning as in the **Corrections Act 1986**;
- (29) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (30) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (31) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (32) **Restricted Activity Directions (Metropolitan Melbourne)** means the **Restricted Activity Directions (Metropolitan Melbourne)** as amended or replaced from time to time;
- (33) **Restricted Activity Directions (Regional Victoria)** means the **Restricted Activity Directions (Regional Victoria)** as amended or replaced from time to time;
- (34) **restricted retail facility** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (35) **retail facility** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (36) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (37) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 4)** as amended or replaced from time to time;
- (38) **stay safe period** has the meaning in clause 4;
- (39) **vehicle** has the same meaning as in the **PHW Act**;
- (40) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 15)** as amended or replaced from time to time;
- (41) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 27)** as amended or replaced from time to time;
- (42) **Workplace Directions** means the **Workplace Directions (No. 32)** as amended or replaced from time to time;
- (43) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (44) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

14 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.

Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed 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. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.

Dated 10 June 2021

PROFESSOR ALLEN CHENG
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Stay Safe Directions (Regional Victoria) (No. 4)**

I, Professor Allen Cheng, Acting 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 **Regional 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 (Regional Victoria) (No. 3)**.
- (4) These directions require everyone who ordinarily resides in Regional Victoria to:
 - (a) restrict the circumstances in which they may leave Regional Victoria; and
 - (b) limit interactions with others by restricting private and public gatherings; and
 - (c) carry and wear **face coverings** in certain circumstances.

2 Citation

These directions may be referred to as the **Stay Safe Directions (Regional Victoria) (No. 4)**.

3 Revocation

The **Stay Safe Directions (Regional Victoria)** are revoked at 11:59:00 pm on 10 June 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 10 June 2021 and ending at 11:59:00 pm on 17 June 2021.

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

- (1) A person who ordinarily resides in Regional 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 not travel to **Metropolitan Melbourne** other than in accordance with subclauses (3) to (5); and
 - (b) must comply with the face covering requirements in subclauses (11), (12), (13) and (14); and
 - (c) if leaving the premises where they ordinarily reside for work, must only do so in accordance with clause 6 (**attending work**); and
 - (d) must comply with the restrictions on gatherings in clause 7 (**restrictions on gatherings**); and
 - (e) 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 (Regional Victoria)**; and

- (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Regional 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**.*

Requirement to stay outside Metropolitan Melbourne

- (3) Subject to subclauses (4) and (5), a person who ordinarily resides in Regional Victoria during the stay safe period must not travel to Metropolitan Melbourne other than for one or more of the reasons specified in:

- (a) clause 6 (**obtaining necessary goods or services**);

*Note: limitations apply to the circumstances under which you can travel to Metropolitan Melbourne, including, for some goods and services, that the place at which the person is obtaining the goods or services is the closest place to the person's principal place of residence from which those goods or services can be obtained. See clause 6 of the **Stay Safe Directions (Metropolitan Melbourne)** for these limits.*

- (b) clause 7 (**care or other compassionate reasons**);
 (c) clause 8 (**work or education**);
 (d) clause 9 (**other exceptions to travel restrictions**);
 (e) clause 10 (**nearest SARS-CoV-2 vaccination**),

of, and provided they comply with the requirements set out in, the **Stay Safe Directions (Metropolitan Melbourne)**.

- (3A) Subject to subclauses (4) and (5), a person who ordinarily resides in Regional Victoria during the stay safe period may travel through Metropolitan Melbourne in order to travel to another part of Regional Victoria if necessary, but may only stop in Metropolitan Melbourne for one or more of the reasons specified in subclause (3).
- (4) If a person who ordinarily resides in Regional Victoria enters Metropolitan Melbourne in accordance with subclauses (3), (3A) or (5):

- (a) the **Stay Safe Directions (Metropolitan Melbourne)** and the **Restricted Activity Directions (Metropolitan Melbourne)** apply to that person when they are in Metropolitan Melbourne;

- (b) the person may only access facilities in Metropolitan Melbourne:

- (i) for the purpose for which they are permitted to travel to Metropolitan Melbourne in accordance with subclauses (3) or (5); or

- (ii) that are:

- A. a **retail facility** (other than a **restricted retail facility**), for the purpose of obtaining essential goods or services; or
 B. a **food and drink facility**, to obtain take away food or drink; or
 C. an **accommodation facility**, for the purpose of accommodation required for the purpose for which the person is permitted to travel to Metropolitan Melbourne in accordance with subclause (3) or (5).

Example: a person permitted to travel to Metropolitan Melbourne for work may enter a restaurant to purchase take away food, but may not dine in the restaurant.

Principal place of residence

- (5) If a person has more than one ordinary place of residence, their place of residence as at 11:59:00 pm on 27 May 2021 must remain their principal place of residence for the duration of the stay safe period. If the person's principal place of residence is:
- (a) within Metropolitan Melbourne, they must not leave to go to any other ordinary place of residence within Metropolitan Melbourne that is further than 25km from their principal place of residence or any other ordinary place of residence outside Metropolitan Melbourne; or
 - (b) outside Metropolitan Melbourne, they must not leave to go to any other ordinary place of residence within Metropolitan Melbourne,
- except:
- (c) for the purposes of (and provided they comply with) clause 6 (**attending work**); or
 - (d) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (e) for emergency maintenance of the other residence; or
 - (f) for emergency purposes (other than emergency maintenance); or
 - (g) as required or authorised by law.

Example: a person has an ordinary place of residence in Metropolitan Melbourne and two other ordinary places of residence in Regional Victoria. If their principal place of residence is in Regional Victoria, they can go to their other residence in Regional Victoria, but they cannot go to their other residence in Metropolitan Melbourne except in accordance with subclause (5).

Ordinary place of residence

- (6) Subject to subclauses (7) and (8), subclause (5) 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 Regional Victoria; or
 - (b) has an ordinary place of residence in Regional 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).
- (7) If a suitable premises is made available for a person identified in subclause (6) 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).
- (8) If subclause (6) applies, and if a person has another ordinary place of residence in Metropolitan Melbourne and can choose such residence to be their principal place of residence for the duration of the stay safe period (or part thereof), that residence is taken to be the person's principal place of residence and subclause (5) and the **Stay Safe Directions (Metropolitan Melbourne)** apply accordingly.
- (9) If a person's ordinary place of residence is outside Victoria, the premises where that person is temporarily residing in Victoria during the stay safe period (or part thereof) is taken to be the person's ordinary place of residence for the period (or part thereof).
- (10) 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.

Example: subclause (10) applies if a person sells their ordinary place of residence, has purchased a new ordinary place of residence and wishes to move between them for the purposes of relocating. Otherwise, movement between multiple ordinary places of residence is regulated by subclause (5).

Face covering requirements

- (11) A person may only leave the premises under subclause (1), (3) or (5) if they:
- (a) carry a face covering at all times, except where subclause (12)(a), (b), (c), (d) or (e) applies; and
 - (b) wear a face covering at all times while in:
 - (i) an **indoor space**; and
 - (ii) an **outdoor space** where it is not possible to 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
 - (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.coronavirus.vic.gov.au/face-masks

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

- (12) Subclauses (11)(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 visiting a person with whom they are in an intimate personal relationship in accordance with clause 7(2)(i); or
 - (k) they are a nominee person or a nominated person visiting each other for the purposes of social interaction in accordance with clause 7(2)(j); or
 - (l) the person is attending a permitted social gathering in accordance with clause 7(2)(m); or
 - (m) the person is one of two persons being married while in the process of being married; or

- (n) the person is a professional sportsperson when training or competing; or
- (o) the person is engaged in any strenuous physical exercise; or
Examples: jogging, running, swimming, cycling.
- (p) the person is riding a bicycle or a motorcycle; or
- (q) the person is travelling in a **vehicle** by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (r) the person is consuming food, drink or medicine; or
- (s) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (t) 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
- (u) 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 (Regional Victoria)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
- (v) 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 (Regional Victoria)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
- (w) the person is an accused person in a criminal case in any court located in Regional Victoria and the person is in the dock either alone or with a co-accused, provided that any co-accused also present in the dock is at least 1.5 metres away from the person; or
- (x) 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.
- (y) for emergency purposes; or
- (z) required or authorised by law; or
- (aa) doing so is not safe in all the circumstances.

Face covering requirements in airports and on aircraft

- (13) Without limiting subclause (11)(b), during the stay safe period, a person in Regional Victoria at an **airport** or travelling in an **aircraft** must:
 - (a) carry a face covering at all times, except where subclause (14)(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.coronavirus.vic.gov.au/face-masks

- (14) Subclauses (13)(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 (Regional 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 (Regional 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.
- (15) An **authorised officer** may require a person to attest in writing that they have complied with the requirements of subclause (13) to wear a face covering on an aircraft (subject to subclause (14)).

PART 3 – WORK

6 Attending work

- (1) A person who ordinarily resides in Regional Victoria may attend work in:
- (a) Regional Victoria if:
 - (i) it is not reasonably practicable for the person to work from the premises where they ordinarily reside or another suitable premises; and
 - (ii) in relation to office-based work premises, if the person who has employed or engaged the person to work has advised that it is permissible to do so in accordance with the Directions currently in force; or
 - (b) another State or Territory if the person complies with the requirements under that State's or Territory's laws.

Note 1: persons who ordinarily reside in Regional Victoria may attend work in Metropolitan Melbourne in accordance with clause 5(3).

*Note 2: the **Workplace Directions** and the **Workplace (Additional Industry Obligations) Directions** address how certain workplaces should facilitate onsite work.*

PART 4 – GATHERINGS

7 Restrictions on gatherings

Private gatherings

- (1) During the stay safe period, a person who ordinarily resides in Regional Victoria must not permit another person to enter the premises at which they ordinarily reside (whether or not entering any building on the premises).

Note: a person who ordinarily resides in Regional Victoria must not gather with another person from Metropolitan Melbourne except in accordance with clauses 5(3) and (5) and subclause (4).

- (2) Subclause (1) does not operate to prevent any person entering the premises:
- (a) if the other person also ordinarily resides at the premises; or
 - (b) if permitted under, and provided they comply with the requirements of, the Directions currently in force; or
 - (c) to provide or receive necessary goods or services; or
 - (d) to attend or undertake work in accordance with clause 6 (**attending work**); or
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.
 - (e) to provide childcare, child-minding, early childhood education, schooling or education services (whether paid or on a voluntary basis); or
 - (f) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (g) if that person is a parent or guardian of a child who ordinarily resides at the premises:
 - (i) to visit that child; or
 - (ii) to meet any obligations in relation to care or support for that child; or
 - (iii) to take the child to another person's premises for the purpose of that other person providing child-minding assistance; or
 - (h) to provide care and support to a relative or other person who ordinarily resides at the premises, and:
 - (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
 - (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
 - (i) to visit someone who ordinarily resides at those premises and with whom they are in an intimate personal relationship; or
Note: people in an intimate personal relationship may stay overnight at each other's ordinary places of residence, and are not required to wear a face covering while visiting each other at those premises, provided they otherwise comply with these directions.
 - (j) for a social gathering of a **nominated person** and **nominee person**, provided that:
 - (i) the nominee person is permitting their nominated person (and any child or dependant permitted to accompany them) to enter the premises; or
 - (ii) the nominated person is permitting their nominee person (and any child or dependant permitted to accompany them) to enter the premises, but only while the nominated person is otherwise by themselves at their premises, and:
 - (iii) the nominee person has only one nominated person; and
 - (iv) the nominated person has only one nominee person, since 11:59:00 pm on 27 May 2021 and for the duration of these directions; or
 - (k) to attend a wedding, funeral or **end of life** activity, if that wedding, funeral or end of life activity complies with the requirements in subclauses (6) to (8); or

- (l) to attend a cemetery or other **memorial site** to pay respects to a deceased person provided that this is only with any other person (or people) who ordinarily resides at the same premises as that person or one other person; or
- (m) if the person is visiting for a social gathering, provided that there is no one else at the premises except for:
 - (i) those persons who ordinarily reside at those premises and any other persons with whom those people are in an intimate personal relationship; and
 - (ii) no more than one other person who is visiting for a social gathering; and
 - (iii) any infant under one year of age of a person visiting for a social gathering; and
 - (iv) any child or dependant permitted to accompany a person in accordance with subclause (3),

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

Note 1: under subclause (2)(m), only two people may visit for a social gathering each day, with any infant under one year of age and any child or dependant permitted to accompany such people under subclause (3) not counting towards this limit. A nominated person or nominee person counts towards the two person limit.

*Note 2: in accordance with clause 5(3), a person who ordinarily resides in Regional Victoria may not enter Metropolitan Melbourne for the purpose of a social gathering, unless it is a social gathering of a nominated person and a nominee person in accordance with clause 11(2)(j) of the **Stay Safe Directions (Metropolitan Melbourne)**. Under the **Stay Safe Directions (Metropolitan Melbourne)** a person who ordinarily resides in Metropolitan Melbourne may not enter Regional Victoria for this purpose either.*

- (n) if the premises in which the person ordinarily resides is no longer available to, or is no longer suitable for, the person; or
 - (o) 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 (Regional Victoria)**; or
 - (p) for the purpose of moving to the premises as the place where they will ordinarily reside; or
 - (q) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
 - (r) for medical or emergency purposes (other than emergency maintenance); or
 - (s) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
 - (t) for purposes relating to the administration of justice; or
 - (u) as required or authorised by law; or
 - (v) for the purposes of **national security**.
- (3) If a person permitted to enter the premises under subclause (2) is a parent, guardian or carer of a child or dependant, and they cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependant unattended so that they can enter the premises in accordance with subclause (2) without the child or dependant, then the child or dependant may accompany that person when entering the premises in accordance with subclause (2).
- (4) During the stay safe period, a person who ordinarily resides in Regional Victoria must not permit another person from Metropolitan Melbourne to enter the premises at which they ordinarily reside (whether or not entering any building on the premises)

unless that other person is entering the premises for one or more of the purposes specified in:

- (a) clause 7 (*care or other compassionate reasons*);
- (b) clause 8 (*work or education*);
- (c) clause 9 (*other exceptions to travel restrictions*),

of, and provided they comply with the requirements set out in, the **Stay Safe Directions (Metropolitan Melbourne)**.

Note: if a nominee person travels from Metropolitan Melbourne to Regional Victoria for a social gathering at the premises of the nominated person, the social gathering must comply with the requirement that the nominated person is otherwise by themselves at the premises. The nominee person is included within the limit of two visitors for a social gathering each day in subclause (2)(m).

Public gatherings

- (5) During the stay safe period, a person in Regional 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 (5), the limit on the number of people who may meet in a public place at any one time is 20.

Note 2: two or more groups of 20 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 (5) does not prevent a person attending a public place (for example, a shopping centre) for a purpose (for example, shopping), where other people are also likely to be attending that public place for a similar purpose. It prevents people from attending a public place intending to gather with other people for a common purpose (for example, meeting family or friends at the shopping centre).

- (a) where each other person ordinarily resides at the same premises; or
- (b) for the purpose of a religious gathering (including ceremonies) provided they comply with any requirements of the **Restricted Activity Directions (Regional Victoria)**; or
- (c) for the purpose of attending a wedding in Regional Victoria that complies with the requirements in subclause (6); or

*Note: a person who ordinarily resides in Regional Victoria is permitted to attend a wedding in Metropolitan Melbourne, provided that wedding complies with the **Stay Safe Directions (Metropolitan Melbourne)**. An **authorised celebrant** may enter Metropolitan Melbourne under clause 5(3)(c).*

- (d) for the purpose of attending a funeral in Regional Victoria that complies with the requirements in subclause (7); or

*Note: a person who ordinarily resides in Regional Victoria is permitted to attend a funeral in Metropolitan Melbourne, provided that funeral complies with the **Stay Safe Directions (Metropolitan Melbourne)**. A person reasonably necessary for the conduct of the funeral may enter Metropolitan Melbourne under clause 5(3)(c).*

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

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

Weddings, funerals and end of life activity

(6) The requirements for a wedding held in Regional Victoria are that:

- (a) it involves only:
 - (i) the two persons being married; and
 - (ii) the authorised celebrant; and
 - (iii) the wedding **photographer**; and
 - (iv) if all people in attendance have a principal place of residence in Regional Victoria, 18 other persons (with any infant under one year of age not counting towards this limit), including two persons witnessing the marriage for the purposes of section 44 of the **Marriage Act 1961** of the Commonwealth; and
 - (v) if any person in attendance has a principal place of residence in Metropolitan Melbourne, eight other persons (with any infant under one year of age not counting towards this limit), including two persons witnessing the marriage for the purposes of section 44 of the **Marriage Act 1961** of the Commonwealth; and

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

- (b) if held at a person's ordinary place of residence:
 - (i) one or both of the two persons being married:
 - (A) are experiencing end of life; or
 - (B) would be deported from Australia unless the marriage takes place; and
 - (ii) it involves only 5 persons:
 - (A) the two persons being married; and
 - (B) the authorised celebrant; and
 - (C) two person witnessing the marriage for the purposes of section 44 of the **Marriage Act 1961** of the Commonwealth; and
 - (iii) subclause (2)(a), (d) and (i) still apply.

Note: the authorised celebrant can enter the premises under subclause (2)(d) (work). Any other person who ordinarily resides at the premises is not subject to the gathering restrictions in subparagraph (ii), but any nominee person or nominated person is subject to these restrictions on a wedding held at a private residence

(7) The requirements for a funeral held in Regional Victoria are that:

- (a) if all persons in attendance have a principal place of residence in Regional Victoria it involves no more than:
 - (i) 75 members of the public (with any infant under one year of age not counting towards this limit); and
 - (ii) the minimum number of persons reasonably necessary for the conduct of the funeral,

otherwise, if any person in attendance has a principal place of residence in Metropolitan Melbourne, then the requirements for a funeral in the **Stay Safe Directions (Metropolitan Melbourne)** apply to that funeral; and

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

- (b) if held at a person's ordinary place of residence, it complies with the private gathering restrictions in subclause (1).

Note: the exceptions to subclause (1) in subclause (2) apply in respect of funerals held at a person's ordinary place of residence, including in respect of other persons who reside at the premises (subclause (2)(a)), persons undertaking work (subclause (2)(d)), persons in personal relationships (subclause (2)(i)) and social gatherings of two persons (subclause (2)(m)).

- (8) The requirements for an end of life activity in Regional Victoria are that if at a person's ordinary place of residence, it involves no more than the person experiencing end of life and two other people, where:
- (a) any other person (or people) who ordinarily reside at the same premises as the person experiencing end of life; and
 - (b) any other person with whom the person experiencing end of life, or any person in subparagraph (a), is in an intimate personal relationship; and
 - (c) any infant under one year of age,
- may also participate without counting towards the two person limit or breaching the gathering restrictions.

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.

9 Definitions

For the purposes of these directions:

- (1) **accommodation facility** has the same meaning as in **Restricted Activity Directions (Regional Victoria)**;
- (2) **aircraft** means an 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;
- (3) **airport** means an aerodrome at which facilities are available for the arrival or departure of **aircraft** into or from the State of Victoria;
- (4) **Area Directions** means the **Area Directions (No. 11)** as amended or replaced from time to time;
- (5) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (6) **authorised officer** has the same meaning as in the **PHW Act**;
- (7) **Care Facilities Directions** means **Care Facilities Directions (No. 32)** as amended or replaced from time to time;
- (8) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 23)** as amended or replaced from time to time;
- (9) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (10) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (11) **end of life** means:
 - (a) a situation where a person's death is expected within days (including periods of 14 days or longer), or where the person, with or without existing conditions, is at risk of dying from a sudden acute event; and
 - (b) does not mean a situation where a person has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean

- that the person is expected to die within 12 months (except where the situation also falls within paragraph (a));
- (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) **food and drink facility** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (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) **member of the public** means a person but does not include:
- (a) a person who is an employee of an operator of the facility or venue; or
 - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (16) **memorial** means a place of interment of bodily remains or cremated human remains (including a columbarium), as each of these terms are defined in the **Cemeteries and Crematoria Act 2003**;
- (17) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;
- (18) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (19) **nominated person** means a person nominated by a nominee person for social interaction permitted in accordance with these directions;
- (20) **nominee person** means a person who:
- (a) is not in an intimate personal relationship with any person and lives by themselves; or
 - (b) is the sole parent or guardian of a child who is under 18 years of age or who has a disability and in either case lives with them,
- and who has nominated one person only to be their nominated person for social interaction permitted in accordance with these directions;
- (21) **outdoor space** means a space that is not an **indoor space**;
- (22) **photographer** means a person who takes photographs as a business and has an Australian Business Number for this purpose;
- (23) **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;
- (24) **prison** has the same meaning as in the **Corrections Act 1986**;
- (25) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (26) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (27) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (28) **Restricted Activity Directions (Metropolitan Melbourne)** means the **Restricted Activity Directions (Metropolitan Melbourne)** as amended or replaced from time to time;
- (29) **Restricted Activity Directions (Regional Victoria)** means the **Restricted Activity Directions (Regional Victoria)** as amended or replaced from time to time;

- (30) **restricted retail facility** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (31) **retail facility** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (32) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (33) **Stay Safe Directions (Metropolitan Melbourne)** means the **Stay Safe Directions (Metropolitan Melbourne)** as amended or replaced from time to time;
- (34) **stay safe period** has the meaning in clause 4;
- (35) **vehicle** has the same meaning as in the **PHW Act**;
- (36) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 27)** as amended or replaced from time to time;
- (37) **Workplace Directions** means the **Workplace Directions (No. 32)** as amended or replaced from time to time;
- (38) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (39) **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.

Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed 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. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.

Dated 10 June 2021

PROFESSOR ALLEN CHENG
 Acting Chief Health Officer,
 as authorised to exercise emergency powers
 under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Area Directions (No. 11)**

I, Professor Allen Cheng, Acting Chief Health Officer, consider it 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 address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions identify areas within Victoria which have a higher prevalence of, or risk of exposure to, SARS-CoV-2 and which are subject to specific directions which are reasonably necessary to protect public health.
- (3) These directions replace the **Area Directions (No. 10)**.
- (4) These directions must be read together with the **Directions currently in force**.

2 Citation

- (1) These directions may be referred to as the **Area Directions (No. 11)**.
- (2) A reference in any other direction to the **Area Directions (No. 10)** is taken to be a reference to these directions.

3 Revocation

The **Area Directions (No. 10)** are revoked at 11:59:00 pm on 10 June 2021.

4 Commencement

These directions commence at 11:59:00 pm on 10 June 2021 and end at 11:59:00 pm on 17 June 2021.

5 Meaning of Metropolitan Melbourne and Regional Victoria

- (1) For the purposes of the Directions currently in force, **Metropolitan Melbourne** means the aggregate area consisting of the **municipal districts**, suburbs, localities and addresses under the local government of:
 - (a) Banyule City Council;
 - (b) Bayside City Council;
 - (c) Boroondara City Council;
 - (d) Brimbank City Council;
 - (e) Cardinia Shire Council;
 - (f) Casey City Council;
 - (g) Darebin City Council;
 - (h) Frankston City Council;
 - (i) Glen Eira City Council;
 - (j) Greater Dandenong City Council;
 - (k) Hobsons Bay City Council;
 - (l) Hume City Council;
 - (m) Kingston City Council;
 - (n) Knox City Council;
 - (o) Manningham City Council;

- (p) Maribyrnong City Council;
 - (q) Maroondah City Council;
 - (r) Melbourne City Council;
 - (s) Melton City Council;
 - (t) Monash City Council;
 - (u) Moonee Valley City Council;
 - (v) Moreland City Council;
 - (w) Mornington Peninsula Shire Council;
 - (x) Nillumbik Shire Council;
 - (y) Port Phillip City Council;
 - (z) Stonnington City Council;
 - (aa) Whitehorse City Council;
 - (bb) Whittlesea City Council;
 - (cc) Wyndham City Council, except **Little River**;
 - (dd) Yarra City Council; and
 - (ee) Yarra Ranges Shire Council.
- (2) For the purposes of the Directions currently in force, **Regional Victoria** means the aggregate area consisting of the municipal districts, suburbs, localities and addresses under the local governments in the State of Victoria that are not listed in subclause (1).
- (3) For the purposes of Item 77 and 78 of Table 2 of Schedule 8 of the **Public Health and Wellbeing Regulations 2019** it is intended that a restricted area includes Metropolitan Melbourne.

Note: Item 77 establishes the infringement offence constituted by a contravention of directions given under section 200(1) of the PHW Act by refusing or failing to comply with a requirement in relation to leaving a restricted area in Victoria without a reasonable excuse or other valid reason or excuse. Item 78 establishes the infringement offence constituted by a contravention of directions given under section 200(1) of the PHW Act by refusing or failing to comply with a requirement in relation to private or public gatherings in a restricted area in Victoria without a reasonable excuse or other valid reason.

6 Addition or exclusion power

- (1) The Chief Health Officer or Deputy Chief Health Officer may add to or exclude from Metropolitan Melbourne any municipal district, suburb, locality, address or other identified area, if satisfied that such an addition or exclusion is appropriate, having regard to the:
- (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.
- (2) An addition or exclusion under subclause (1) must:
- (a) be in writing and published on the website of the Department of Health; and
 - (b) specify the relevant municipal district, suburb, locality, address or other identified area with sufficient particularity.
- (3) An addition or exclusion under subclause (1) does not prevent an **authorised officer** from exercising an emergency power to give a person a different direction or impose a different requirement on the person.

7 Relationship with other directions

- (1) If there is any inconsistency between any Directions currently in force (or a provision of such a direction) that applies generally to the State of Victoria and an equivalent Direction currently in force (or a provision of such a direction) that applies specifically

to Metropolitan Melbourne, then the direction that applies to Metropolitan Melbourne prevails to the extent of the 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.

8 Definitions

In these directions:

- (1) **authorised officer** has the same meaning as in the PHW Act;
- (2) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (3) **Directions currently in force** means the **Restricted Activity Directions (Metropolitan Melbourne) (No. 2)**, the **Restricted Activity Directions (Regional Victoria) (No. 2)**, the **Stay Safe Directions (Metropolitan Melbourne)**, the **Stay Safe Directions (Regional Victoria) (No. 4)**, the **Diagnosed Persons and Close Contacts Directions (No. 23)**, the **Hospital Visitor Directions (No. 28)**, the **Care Facilities Directions (No. 32)**, the **Workplace Directions (No. 32)**, the **Workplace (Additional Industry Obligations) Directions (No. 27)** and the **Victorian Border Crossing Permit Directions (No. 15)**, each as amended or replaced from time to time;
- (4) **Little River** means the registered locality known as ‘Little River’ to the extent that it is within the **municipal district** under the local government of the Wyndham City Council;
Note: VICNAMES identifies the registered locality known as ‘Little River’ at: www.maps.land.vic.gov.au/lassi/VicnamesUI.jsp
- (5) **Metropolitan Melbourne** has the meaning in clause 5(1);
- (6) **municipal district** has the same meaning as in the **Local Government Act 1989**;
- (7) **Regional Victoria** has the meaning in clause 5(2).

9 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Dated 10 June 2021

PROFESSOR ALLEN CHENG
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Workplace Directions (No. 32)**

I, Professor Allen Cheng, Acting 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. 31)**.

2 Citation

These directions may be referred to as the **Workplace Directions (No. 32)**.

3 Revocation

The **Workplace Directions (No. 31)** are revoked at 11:59:00 pm on 10 June 2021.

4 Commencement

These directions commence at 11:59:00 pm on 10 June 2021 and end at 11:59:00 pm on 17 June 2021.

5 Operation of a Work Premises

- (1) An employer in respect of a Work Premises:
 - (a) may permit a worker to work from the employer's Work Premises:
 - (i) if it is not **reasonably practicable** for the worker to work at the **premises** where the worker ordinarily resides or another suitable premises which is not the Work Premises; and
 - (ii) to the extent the Work Premises is permitted to operate under the **Restricted Activity Directions (Metropolitan Melbourne)** or the **Restricted Activity Directions (Regional Victoria)**, as applicable to the Work Premises; and
 - (b) must comply with the **Stay Safe Directions (Metropolitan Melbourne)** or the **Stay Safe Directions (Regional Victoria)** as applicable to the Work Premises, the **Workplace (Additional Industry Obligations) Directions** and all other Directions currently in force where they apply to that employer; and
 - (c) in relation to office-based Work Premises in **Metropolitan Melbourne**, must use their best endeavours to ensure that:
 - (i) where fewer than 40 workers ordinarily work at the Work Premises at any one time, no more than 10 workers (excluding any workers working at the Work Premises in accordance with subclause (1)(a)(i)) work at the Work Premises at any one time;

- (ii) where 40 or more workers ordinarily work at the Work Premises at any one time, no more than 25 per cent of the workers (excluding any workers working at the Work Premises in accordance with subclause (1)(a)(i)) work at the Work Premises at any one time; and
- (d) in relation to office-based Work Premises in **Regional Victoria**, must use their best endeavours to ensure that:
 - (i) where fewer than 40 workers ordinarily work at the Work Premises at any one time, no more than 20 workers (excluding any workers working at the Work Premises in accordance with subclause (1)(a)(i)) work at the Work Premises at any one time;
 - (ii) where 40 or more workers ordinarily work at the Work Premises at any one time, no more than 50 per cent of the workers (excluding workers working at the Work Premises in accordance with subclause (1)(a)(i)) work at the Work Premises at any one time.

*Note: The **Stay Safe Directions (Metropolitan Melbourne)** and the **Stay Safe Directions (Regional Victoria)** permit a person to attend work if it is not reasonably practicable for the person to work from the premises at which they ordinarily reside. In relation to office-based Work Premises, the **Stay Safe Directions (Metropolitan Melbourne)** and the **Stay Safe Directions (Regional Victoria)** also permit a person to attend work if 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.*

- (2) Where an employer permits or requires work to be performed at a Work Premises, the employer must comply with clauses 6 to 8.
- (3) 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 a worker, when working at a Work Premises:
 - (a) carries a **face covering** at all times, except where the exception in subclause 5(13)(e) of the **Stay Safe Directions (Metropolitan Melbourne)** or subclause 5(12)(e) of the **Stay Safe Directions (Regional Victoria)** applies to the worker; and
 - (b) wears a face covering where required to do so in accordance with any other Directions currently in force, except where an exception in subclause 5(13) of the **Stay Safe Directions (Metropolitan Melbourne)** or subclause 5(12) of the **Stay Safe Directions (Regional Victoria)** applies to the worker.

*Note 1: face shields on their own do not meet the face covering requirements. Please refer to the **Department's** guidelines for further information.*

Note 2: 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

- (2) Subject to subclause (4), 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 (6);

- (ii) the appropriate level of **PPE** to be worn at the Work Premises;
- (iii) actions taken by the employer to mitigate the introduction of SARS-CoV-2 at the Work Premises;
*Examples: temperature testing, provision and training for PPE use, regular cleaning, specific **cleaning requirements** following an outbreak, physical distancing requirements (e.g. closing or reconfiguring **common areas** such as lunchrooms to support workers remaining 1.5 metres apart at all times).*
- (iv) the processes which the employer has put in place to respond to any **suspected case** or any **confirmed case** of SARS-CoV-2 at the Work Premises, taking into account the employer's obligations under these directions;
- (v) an acknowledgement that the employer understands its responsibilities and obligations under these directions; and
- (b) document and evidence, and require its managers to document and evidence, implementation of the COVIDSafe Plan.
- (3) The employer and the employer's workers must comply with the COVIDSafe Plan.
- (4) An employer is not required to comply with subclause (2):
 - (a) for any Work Premises that have no workers working at that Work Premises; or
 - (b) in relation to:
 - (i) each individual **vehicle** that makes up a fleet of two or more vehicles; and
Note 1: despite subclause (4)(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.
- (5) 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 (5)(a).

Record-keeping obligations (records requirement)

- (6) Subject to subclause (10), an employer must keep a record of all persons who attend the Work Premises, which includes:
 - (a) the person's first name; and
 - (b) the person's surname; and
 - (c) a contact phone number; and
 - (d) the date and time at which the person attended the Work Premises; and
 - (e) the areas of the Work Premises which the person attended.

Note 1: where a venue is not staffed, an employer will have complied with the records requirement if they display instructions in a prominent location that clearly explain how patrons and other visitors to the venue should record their details.

Note 2: where a person does not have a phone number, an employer may comply with the record-keeping requirement by registering that person's contact details using a phone number for the contact most likely to be able to locate the person, such as a known relative, carer, or the phone number of the employer itself.

Note 3: employers will not be subject to a penalty for failing to comply with the records requirement with respect to any person who attends the Work Premises for less than 15 minutes.

Note 4: employers who operate Work Premises that are a market, market stall, retail facility or retail shopping centre that were not subject to a record-keeping requirement in relation to customers prior to 11.59pm Thursday 3 June 2021 will not be subject to a penalty for failing to comply with the records requirement with respect to customers.

(7) Subject to subclauses (8) – (12), an employer must:

- (a) comply with subclause (6) using a digital system provided by the Service Victoria CEO and other parts of the Victorian Government for that purpose; and

Note 1: the operator of a market, market stall, retail facility (excluding a restricted retail facility) or retail shopping centre will not be subject to a penalty for failing to comply with the requirement in subclause (a).

Note 2: other businesses that were not required to comply with the records requirement using the digital system provided by the Service Victoria CEO or other parts of the Victorian Government for that purpose prior to 11:59pm on 10 June 2021 will not be subject to a penalty for failing to comply with the requirement in subclause (a).

- (b) make reasonable efforts to ensure that a person required to record an attendance at the Work Premises in accordance with subclause (a) can do so using a digital system provided by the Service Victoria CEO and other parts of the Victorian Government for that purpose even where they do not have access to a personal mobile phone or other device that enables them to do so.

Note 1: compliance with subclause (7)(b) could include making a terminal (e.g. a tablet or other device) available for persons to register their contact details via a digital system provided by the Service Victoria CEO and other parts of the Victorian Government and staff available to provide assistance to persons to do so.

(8) Where:

- (a) it is not reasonably practicable for a person to record an attendance at a Work Premises using a digital system provided by the Service Victoria CEO and other parts of the Victorian Government, or
- (b) there is an access issue that prevents a digital system provided by the Service Victoria CEO and other parts of the Victorian Government from operating;

then the employer must use an alternative record-keeping method to comply with the records requirement.

Example 1: worshippers wishing to attend a synagogue on the Sabbath who are prohibited from using a digital system provided by the Service Victoria CEO and other parts of the Victorian Government during the Sabbath could pre-register details with the synagogue, with the details recorded and stored by the synagogue electronically.

Example 2: where a venue has no internet coverage, such as in a remote location, manual records could be kept and stored electronically by the venue.

(9) Where a person who attends a Work Premises is unable to check in using a digital system provided by the Service Victoria CEO and other parts of the Victorian Government for the purpose of subclauses (6) or (13), that information may be collected by an employer or an **owner** of a vehicle used as a commercial passenger vehicle service from another person on behalf of the first person using a digital system provided by the Service Victoria CEO and other parts of the Victorian Government for that purpose.

(10) An employer is not required to comply with the records requirement in subclause (6):

- (a) subject to subclause (12), in relation to **members of the public** using a commercial passenger vehicle service; or
- (b) in relation to essential support groups and health services if confidentiality is typically required; or

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

*Note: common property areas of residential apartments are not required to comply with the record-keeping requirements. Facilities in residential apartment complexes that are covered by the **Restricted Activity Directions (Metropolitan Melbourne)** and the **Restricted Activity Directions (Regional Victoria)**, such as gyms, pools or cinemas are still required to comply with the record-keeping requirements and any relevant requirements in the applicable Restricted Activity Directions.*

- (11) An employer is not required to comply with subclause (7) in relation to Work Premises that are:
- (a) **schools, childcare or early childhood services** and outside school hours care services in respect of all students, teachers and other school staff (but not visitors, contractors or other workers); or
Note: educational facilities (other than schools and childcare or early childhood services and outside school hours care services) are required to comply with subclause (7).
 - (b) **hospitals and care facilities** in respect of admitted or residential patients and ambulance workers; or
 - (c) farms in respect of workers and other persons attending for work-related purposes; or
 - (d) premises where pre-ordered goods are being delivered via contactless delivery; or
 - (e) premises in respect of the operation of ‘click and collect’ services; or
 - (f) takeaway food providers in respect of customers attending the premises for the sole purpose of collecting food at a drive-through window; or
 - (g) service stations in respect of customers who do not enter a building and pay using contactless payment methods at the bowser; or
 - (h) any work undertaken at a residential premises.
- (12) An employer to whom clause 7(20) (**accommodation facilities**) of the **Restricted Activity Directions (Metropolitan Melbourne)** or clause 15 (**accommodation facilities**) of the **Restricted Activity Directions (Regional Victoria)** applies is only required to comply with subclause (7) in respect of a person who:
- (a) is not registered to stay overnight at the **accommodation facility**; and
 - (b) attends a communal or shared accommodation space.
- (13) Despite subclause (7)(a), an **owner** of a vehicle used as a commercial passenger vehicle service must make available and clearly visible and accessible in the vehicle, at all times, a sign that allows the drivers and passengers of the vehicle to use a digital system provided by the Service Victoria CEO and other parts of the Victorian Government.
- (14) In handling any information collected under subclause (6):
- (a) an employer who uses or an owner who makes available 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:
 - (A) the information is necessary to meet the requirements outlined in subclause (6); or
 - (B) the information is provided by a driver or passenger using the system made available under subclause (13); 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: subclause (14)(a) is intended to apply to employers who use or owners who collect information pursuant to subclauses (6) or (13) using a method other than a digital system provided by the Service Victoria CEO and other parts of the Victorian Government, whether or not:

- (a) *the employer also uses or the owner also uses a digital system provided by the Service Victoria CEO and other parts of the Victorian Government to comply with subclauses (6) or (13); or*
 - (b) *the system used by the employer or made available by the owner 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)

- (15) 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.
- (16) In collecting the information outlined in subclause (14), 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)

- (17) In any shared spaces and publicly accessible areas at the Work Premises, an employer must comply with the density quotient for each shared space and each publicly accessible area.

Note: 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.

- (18) The density quotient for the purposes of subclause (17) 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 (Regional Victoria)** and the **Restricted Activity Directions (Metropolitan Melbourne)** 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 4 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 9.56, so no more than 9 members of the public would be permitted to be in the outdoor space at the same time.

- (19) 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 (Metropolitan Melbourne)** or the **Restricted Activity Directions (Regional Victoria)** and, in those circumstances, the density quotient will not apply.
- (19A) Despite subclauses (16) and (17), an employer is not required to comply with the density quotient in respect of:
 - (a) 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
 - (b) clinical areas of a hospital; and
 - (c) areas of a **court or tribunal** building that are being used for the purpose of a jury trial.

*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 office areas including shared spaces that form part of an office area, spaces such as lunchrooms, photocopier room, principal's office, back of reception and resource rooms. The density quotient also applies to any publicly accessible areas (including in relation to a school, non-school senior secondary providers, or childcare or early childhood service, or higher education service), and any such publicly accessible areas that are subject to the **signage requirements** under subclause (19).*

*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.*

Note 3: 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.

Note 4: in relation to areas of a court or tribunal building that are being used for the purpose of a jury trial, the exclusion is intended to apply to those areas that are being used for the purposes of conducting the jury trial and does not apply to shared spaces such as a foyer.

Signage requirements (signage requirement)

- (20) Where a Work Premises has a publicly accessible space to which the density quotient applies, an employer must display a sign at each public entry to each such space that

includes a statement specifying the maximum number of members of the public that may be present in the space at a single time, being the number permitted by the density quotient, rounded down to the nearest whole number.

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

- (21) 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.
- (22) 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)

- (23) 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;
 - (b) surfaces are cleaned when visibly soiled;
 - (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;
 - (d) surfaces accessible to a particular group are cleaned between groups;
Example: cleaning surfaces between shifts of workers.
 - (e) surfaces are cleaned immediately after a spill on the surface.
- (24) 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.
- (25) 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 www.dhhs.vic.gov.au/coronavirus-cleaning-guidelines-for-workplaces-doc as amended or replaced from time to time by the Victorian Government.

- (d) ensure appropriate records are maintained in accordance with clause 6(6) 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/coronavirus-cleaning-guidelines-for-workplaces-doc 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(6).

- (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) **additional records requirement** has the meaning in clause 6(14) and 6(15) (both inclusive);
- (2) **accommodation facility** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (3) **Area Directions** means the **Area Directions (No. 11)** as amended or replaced from time to time;
- (4) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (5) **Care Facilities Directions** means the **Care Facilities Directions (No. 32)** as amended or replaced from time to time;
- (6) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (7) **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;
- (8) **cleaned** has the meaning in clause 6(23);
- (9) **cleaning requirement** has the meaning in clause 6(22) to (24) (both inclusive);
- (10) **close contact** means any person who has had face-to-face contact of any duration, or who has shared a closed space for more than one hour, with a **confirmed case** during the **Relevant Period**;
- (11) **commercial passenger vehicle service** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;
- (12) **common areas** of a **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (13) **confirmed case** means a diagnosis of **SARS-CoV-2** in a **worker** at the **Work Premises**;
- (14) **court or tribunal** means a judicial and/or administrative review body established pursuant to legislation;
- (15) **COVIDSafe Plan** has the meaning in clause 6(2);
- (16) **density quotient** has the meaning in clause 6(12);
- (17) **Department** means the Department of Health;
- (18) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;

- (19) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 23)** as amended or replaced from time to time;
- (20) **diagnosed worker** means a **worker** who is a **diagnosed person**;
- (21) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (22) **Directions currently in force** means the **Area Directions**, the **Stay Safe Directions (Metropolitan Melbourne)**, the **Stay Safe Directions (Regional Victoria)**, the **Restricted Activity Directions (Metropolitan Melbourne)**, the **Restricted Activity Directions (Regional Victoria)**, the **Workplace Directions**, the **Workplace (Additional Industry Obligations) Directions**, the **Victorian Border Crossing Permit Directions**, the **Hospital Visitors Directions**, the **Care Facilities Directions** and the **Diagnosed Persons and Close Contacts Directions**;
- (23) **employee** includes a person who is self-employed;
- (24) **employer** means a person who owns, operates or controls **Work Premises** (or a Work Premises) and includes a person who is self-employed;
- (25) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection;
- (26) **health and safety representative** has the same meaning as in the **OHS Act**;
- (27) **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;
- (28) **Hospital Visitor Directions** means the **Hospital Visitors Directions (No. 27)** as replaced or amended from time to time;
- (29) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (30) **indoor space** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (31) **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;
- (32) **inspector** has the same meaning as in the **OHS Act**;
- (33) **market** means a public market, whether indoor or outdoor, including a food market;
- (34) **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;
- (35) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;
- (36) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (37) **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.

- (38) **outdoor space** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (39) **owner** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;
- (40) **passenger services** has the same meaning as in the **Transport Integration Act 2010**;
- (41) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (42) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (43) **PPE** means personal protective equipment;
- (44) **premises** has the same meaning as in the **PHW Act**;
- (45) **reasonably practicable** is to have its ordinary and common sense meaning;
- (46) **records requirement** has the meaning in clause 6(6) to (13) (both inclusive);
- (47) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (48) **Relevant Period** has the meaning given in clause 8(1);
- (49) **Restricted Activity Directions (Metropolitan Melbourne)** means the **Restricted Activity Directions (Metropolitan Melbourne) (No. 2)** as amended or replaced from time to time;
- (50) **Restricted Activity Directions (Regional Victoria)** means the **Restricted Activity Directions (Regional Victoria) (No. 2)** as amended or replaced from time to time;
- (51) **restricted retail facility** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (52) **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;
- (53) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (54) **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;
- (55) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (56) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (57) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (58) **Service Victoria** has the same meaning as in the **Service Victoria Act 2018**;
- (59) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (60) **signage requirement** has the meaning in clauses 6(19), (20) and (21);
- (61) **Stay Safe Directions (Metropolitan Melbourne)** means the **Stay Safe Directions (Metropolitan Melbourne)** as amended or replaced from time to time;

- (62) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 3)** as amended or replaced from time to time;
- (63) **suspected case** means a person who is displaying one or more **SARS-CoV-2 Symptoms**;
- (64) **vehicle** has the same meaning as in the **PHW Act**;
- (65) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 15)** as amended or replaced from time to time;
- (66) **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.
- (67) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work;
- (68) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 27)** as amended or replaced from time to time;
- (69) **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.

Note: section 209 of the PHW Act provides for infringement notices to be served on any person who without reasonable excuse has refused or failed 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. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person who refuses or fails to comply.

Dated 10 June 2021

PROFESSOR ALLEN CHENG
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Workplace (Additional Industry Obligations) Directions (No. 27)**

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

1 Preamble

- (1) The presence of a person with a positive diagnosis of Novel Coronavirus 2019 (**SARS-CoV-2**) at a **Work Premises** is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to establish additional specific obligations on **employers** and **workers** in specific industries in relation to managing the risk associated with SARS-CoV-2.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions are intended to supplement any obligations an employer may have under the **OHS Act** and the **Workplace Directions** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace (Additional Industry Obligations) Directions (No. 26)**.

2 Citation

These directions may be referred to as the **Workplace (Additional Industry Obligations) Directions (No. 27)**.

3 Revocation

The **Workplace (Additional Industry Obligations) Directions (No. 26)** are revoked at 11:59:00 pm on 10 June 2021.

4 Commencement

These directions commence 11:59:00 pm on 10 June 2021 and end at 11:59:00 pm on 17 June 2021.

5 Application of directions to certain employers and roles

- (1) These directions apply to **Additional Obligation Industries**, namely:
 - (a) **poultry processing facilities;**
 - (b) **abattoirs and meat processing facilities;**
 - (c) **seafood processing facilities;**
 - (d) **supermarket Work Premises and perishable food Work Premises;**
 - (e) **warehousing and distribution centres;**
 - (f) **commercial cleaning services;**
 - (g) **commercial passenger vehicle services;**
 - (h) **horticulture operations using seasonal workers for seasonal horticultural work;**
 - (i) **care facilities;**
 - (j) **ports of entry servicing international arrivals;**
 - (k) **hotel quarantine;**
 - (l) **hospitals; and**
 - (m) **Australian air transport operators.**

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

6 General Obligations

- (1) This clause 6 does not apply to care facilities, hospitals (except for **high-risk hospital Work Premises**, to which the clause does apply) and Australian air transport operators.

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

Compliance

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

Consultation

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

7 Additional Industry Obligations

- (1) An employer in relation to an Additional Obligation Industry Work Premises must:
 - (a) increase the regularity of comprehensive cleaning by ensuring all areas where workers are working are **cleaned** at least daily (except for meat, poultry and seafood processing, seasonal horticulture, care facilities, hospitals and ports of entry); and

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

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

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

Additional measures to prevent COVID in abattoirs and meat processing facilities, poultry processing facilities, seafood processing facilities, warehousing and distribution centres, supermarket Work Premises, and perishable food Work Premises that are chilled distribution facilities

- (2) In relation to a Work Premises that is an abattoir, meat processing facility, poultry processing facility, seafood processing facility, warehousing and distribution centres, supermarket Work Premises, or a perishable food Work Premises that is a chilled distribution facility, an employer must:
- (a) designate an **employee** or employees as a **COVID Marshal**:
 - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and
 - (ii) who has successfully completed training provided by the employer that is in accordance with guidance from the Department; and
 - (iii) who is at the Work Premises whenever workers are on Site; and
 - (b) arrange operations at the Work Premises (except in relation to a warehousing and distribution centre Work Premises, supermarket Work Premises and perishable food Work Premises) so as to have workers working consistently with the same group of other workers where reasonably practicable, including (but not limited to):
 - (i) developing separate shifts in a way that minimises physical interactions between groups of workers attending different shifts;
 - (ii) separating workers into work areas;
 - (iii) dividing work areas up further into separate teams;
 - (iv) providing separate break areas for the separate teams;
 - (v) requiring teams to use separate entrances and exits from other teams;
 - (vi) where workers are from the same household, ensuring they work in the same shift and work area; and
 - (c) provide regular training to workers (except in relation to warehousing and distribution centre Work Premises) (including, but not limited to, an induction for all workers commencing at, or returning to, the Work Premises) that covers:

- (i) good hygiene practices; and
 - (ii) advising workers not to attend the Work Premises when unwell; and
 - (iii) where applicable, compliance with the requirements of subclause (2) (b); and
- (d) keep records of duty rosters for COVID Marshals.

Additional measures to prevent COVID in abattoirs and meat processing facilities, poultry processing facilities and seafood processing facilities

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

*Note 1: an employer at a Work Premises that is an **abattoir**, meat processing facility, poultry processing facility or seafood processing facility is required to comply with the requirements of subclauses (3)(ii)(A) and (3)(ii)(B) unless an exemption pursuant to clause 5(13)(e) – (h), (j), (r) – (t), (x) – (aa) of the **Stay Safe Directions (Metropolitan Melbourne)** or 5(12)(e) – (h), (r) – (t), (x) – (aa) of the **Stay Safe Directions (Regional Victoria)** applies in respect of a worker; in which case the employer is exempted from requiring that worker to wear a **face covering**.*

*Note 2: the exemption from the requirement to wear a face covering pursuant to clause 5(13)(i) of the **Stay Safe Directions (Metropolitan Melbourne)** or 5(12)(i) of the **Stay Safe Directions (Regional Victoria)** does not apply to a worker at a Work Premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility whilst working at the Work Premises in Victoria.*

Additional measures to prevent COVID in supermarket Work Premises or perishable food Work Premises

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

Note 1: surgical face masks may create a risk to health and safety in those parts of a chilled distribution facility where the temperature is below negative five degrees Celsius. If a surgical face mask cannot be worn, the employer is still required to ensure an employee uses a suitable fitted face covering, such as a cloth mask of three plies.

*Note 2: an employer at a Work Premises that is a supermarket Work Premises or perishable food Work Premises is required to comply with the requirements of subclause (4) unless an exemption pursuant to clause 5(13)(e) – (h), (j), (r) – (t), (x) – (aa) of the **Stay Safe Directions (Metropolitan Melbourne)** applies in respect of a worker; in which case the employer is exempted from requiring that worker to wear a face covering.*

*Note 3: the exemption from the requirement to wear a face covering pursuant to clause 5(13)(i) of the **Stay Safe Directions (Metropolitan Melbourne)** does not apply to a worker at the Work Premises whilst working at the Work Premises in Victoria.*

Additional measures to prevent COVID in warehousing and distribution centres

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

Note 1: surgical face masks may create a risk to health and safety in those parts of a chilled distribution facility where the temperature is below negative five degrees Celsius. If a surgical face mask cannot be worn, the employer is still required to ensure an employee uses a suitable fitted face covering, such as a cloth mask of three plies.

*Note 2: an employer at a Work Premises that is a chilled distribution facility in relation to warehousing and distribution centres is required to comply with the requirements of subclause (5) unless an exemption pursuant to clause 5(13)(e) – (h), (j), (r) – (t), (x) – (aa) of the **Stay Safe Directions (Metropolitan Melbourne)** applies in respect of a worker, in which case the employer is exempted from requiring that worker to wear a face covering.*

*Note 3: the exemption from the requirement to wear a face covering pursuant to clause 5(13)(i) of the **Stay Safe Directions (Metropolitan Melbourne)** does not apply to a worker at the Work Premises whilst working at the Work Premises in Victoria.*

Horticulture Work Premises using seasonal workers for seasonal horticultural work

- (6) An employer may only operate a **seasonal Work Premises** using seasonal workers for seasonal horticultural work if it complies with subclauses (7) to (10) (inclusive).
- (7) The employer must arrange operations at the Work Premises so as to have seasonal workers working consistently with the same group of other seasonal workers where reasonably practicable, including (but not limited to):
- (a) developing separate shifts in a way that minimises physical interactions between groups of seasonal workers attending different shifts;
 - (b) separating seasonal workers into work areas;
 - (c) dividing work areas up further into separate teams;
 - (d) providing suitable separate break areas for the separate teams including, to the extent possible, outdoor break areas with shade;
 - (e) where seasonal workers are from the same household, ensuring they work in the same shift and work area.

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

- (8) The employer must record on a daily basis the roster of seasonal workers, including the work areas, work teams and breaks taken for each worker bubble.
- (9) The employer must provide training to seasonal workers (including, but not limited to, an induction for all workers commencing at, or returning to, the Work Premises) that covers:
- (a) good hygiene practices; and
 - (b) advising seasonal workers not to attend the Work Premises when unwell; and
 - (c) compliance with the requirements of subclause (7).
- (10) The employer must provide:
- (a) clean water and soap for washing hands; and
 - (b) well-maintained toilet facilities,
- for seasonal workers, in a location or locations that are reasonably adjacent to work areas and, as far as is practicable, separate from the employer's **premises** or farm homestead.

Care facilities

- (11) Subject to subclause (12), an employer in relation to a Work Premises that is a care facility in Victoria must not require or permit a **care facility worker** to perform work at more than one Work Premises of the employer.
- (12) Subclause (11) does not apply where it is not practicable to limit a care facility worker to only one Work Premises.
- (13) Where subclause (12) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of care facility workers working across multiple Work Premises.

Example: rosters.

- (14) An employer in relation to a Work Premises that is a care facility in Victoria must require care facility workers in relation to a care facility to wear a face covering while working in:

- (a) any indoor space at a care facility; and
- (b) any outdoor space at a care facility,

unless an exemption pursuant to clause 5(13)(e) – (h), (j), (r) – (t), (x) – (aa) of the **Stay Safe Directions (Metropolitan Melbourne)** or 5(12)(e) – (h), (x) – (aa) of the **Stay Safe Directions (Regional Victoria)** applies in respect of a care facility worker in relation to a care facility, then the employer is exempted from requiring that care facility worker to wear a face covering.

Example: where a care facility worker is communicating with a resident who is hard of hearing or deaf and visibility of the mouth is essential for communication, that care facility worker may remove their face covering whilst communicating with the resident.

*Note: the exemption from the requirement to wear a face covering pursuant to clauses 5(13)(i) of the **Stay Safe Directions (Metropolitan Melbourne)** and 5(12)(i) of the **Stay Safe Directions (Regional Victoria)** does not apply to care facility workers whilst working in a care facility in Victoria.*

- (15) If a care facility worker is working at more than one Work Premises for two or more different employers:
 - (a) the care facility worker must provide a written declaration to each employer to advise them that the worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
 - (b) each employer must maintain a record of all care facility workers who have disclosed to the employer under subclause (15)(a) that they are working across more than one Work Premises.
- (16) An employer in relation to a Work Premises that is a care facility in Victoria must require care facility workers in relation to the care facility to declare in writing at the start of each shift that the worker:
 - (a) is free of **SARS-CoV-2 Symptoms**; and

Note: for the purposes of these directions, SARS-CoV-2 Symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat); loss of smell; and loss of taste do not include those symptoms where caused by an underlying health condition or medication.

 - (b) has, in the preceding 14 days, not been in contact with a **confirmed case** (except in the course of their duties while wearing appropriate personal protective equipment); and
 - (c) is not currently required to **self-isolate** or **self-quarantine** under the **Diagnosed Persons and Close Contacts Directions**.

- (17) Despite clause 6(1)(b) of the **Care Facilities Directions**, an employer in relation to a Work Premises that is a care facility in Victoria must not permit an employee or contractor to enter the care facility where:

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

unless:

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

Note 1: providing the employer with hardcopy or electronic notification confirming the negative test result from a testing provider is sufficient evidence.

*Note 2: the effect of subclause (17) is that, in the event of an **outbreak** of SARS-CoV-2 at a care facility, an employee or contractor present during the outbreak must only work at that facility, and cannot be permitted to work at other care facilities. Such employees or contractors must wait a minimum period of 14 days and test negative for SARS-CoV-2, before moving from that care facility to commence work at another care facility.*

- (18) An employer in relation to a Work Premises that is a care facility in Victoria must comply with personal protective equipment requirements in accordance with the requirements of the Department.
- (19) The Chief Health Officer may grant an exemption in writing to the requirements of subclause (17).

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

Ports of entry

- (20) Subject to subclause (21), a **port of entry worker** means:
 - (a) any **airport** or maritime **port** worker who has direct contact (including occasional contact or interactions) with international passengers or crew (excluding international passengers and crew entering Victoria from a **Green Zone Country**), at the international **port of entry**; or
 - (b) a worker or person who interacts with the environment within the international port of entry (including any worker or person who boards a vessel, ship or **aircraft**) where international passengers and crew (excluding international passengers and crew entering Victoria from a Green Zone Country) are or have been.
- Note: interacting with the 'environment' within the international port of entry refers to handling items and/or using or being in communal facilities (such as toilets, waiting areas and seating) that have been used by or are being used by international passengers and crew (excluding international passengers and crew entering Victoria from a Green Zone Country). It also refers to boarding or entering a vessel, ship or aircraft where international passengers and crew (excluding international passengers and crew entering Victoria from a Green Zone Country) are or have been.*
- (21) Despite subclause (20), a port of entry worker does not include any worker who works in an international departures area of an airport.
 - (22) In relation to a Work Premises that is a port of entry Work Premises servicing international arrivals, an employer must:

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

- (a) require port of entry workers to declare in writing at the start of each shift that the port of entry worker:
 - (i) is free of SARS-CoV-2 Symptoms; and
 - (ii) has, in the preceding 14 days, not been in contact with a confirmed case (except in the course of their duties while wearing appropriate personal protective equipment, where relevant); and
 - (iii) is not currently required to self-isolate or self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; and
 - (b) designate a port of entry worker(s) as a COVID Marshal:
 - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and
 - (ii) who has successfully completed training provided by the employer that is in accordance with guidance from the Department; and
 - (iii) who is at the Work Premises whenever port of entry workers are on site; and
 - (c) arrange operations at the Work Premises so as to have port of entry workers working consistently with the same group of other port of entry workers where reasonably practicable, including (but not limited to):
 - (i) developing separate shifts in a way that minimises physical interactions between groups of port of entry workers attending different shifts;
 - (ii) separates port of entry workers into work areas;
 - (iii) dividing work areas up further into separate teams;
 - (iv) providing separate break areas for the separate teams;
 - (v) requiring teams to use separate entrances and exits from other teams;
 - (vi) where port of entry workers are from the same household, ensuring they work in the same shift and work area; and
 - (d) provide regular training to port of entry workers (including, but not limited to, an induction for all port of entry workers commencing at, or returning to, the Work Premises) that covers:
 - (i) good hygiene practices; and
 - (ii) advising port of entry workers not to attend the Work Premises when unwell; and
 - (iii) compliance with the requirements of subclause (22)(c); and
 - (e) make available an adequate supply of personal protective equipment free of charge to port of entry workers; and
 - (f) ensure that all port of entry workers wear appropriate personal protective equipment in accordance with the requirements of the Department; and
 - (g) test the temperature of each port of entry worker each day before they enter the Work Premises and, if the port of entry worker's temperature is 37.5°C or more, direct the port of entry worker to:
 - (i) leave the Work Premises immediately; and
 - (ii) be tested for SARS-CoV-2; and
 - (iii) self-isolate until a negative test result is received.
- (23) Subclauses (22)(b) and (22)(c) do not apply to the following port of entry workers:
- (a) administrative support service workers;
 - (b) truck drivers;

- (c) tugboat crew;
- (d) stevedores;
- (e) office workers at freight terminals;
- (f) airport baggage handlers and airport cargo handlers;
- (g) aircraft engineers.

Note: airport baggage handlers, airport cargo handlers and aircraft engineers should minimise interactions with other port of entry workers.

Hotel quarantine

- (24) Any worker in relation to a hotel quarantine Work Premises should provide the Department with the following details:
- (a) of the worker:
 - (i) the worker's name, contact number and address; and
 - (b) of any person with whom they ordinarily reside:
 - (i) the person's first name;
 - (ii) a contact phone number;
 - (iii) the person's workplace(s), including address;
 - (iv) if the person attends school, the name and address of the school.
- (25) In relation to a Work Premises that is a hotel quarantine Work Premises, an employer must:
- (a) require workers to declare in writing at the start of each shift that the worker:
 - (i) is free of SARS-CoV-2 Symptoms; and
 - (ii) has, in the preceding 14 days, not been in contact with a confirmed case (except in the course of their duties while wearing appropriate personal protective equipment, where relevant); and
 - (iii) is not currently required to self-isolate or self-quarantine under the **Diagnosed Persons and Close Contacts Directions**.
 - (b) designate an employee or employees as a COVID Marshal:
 - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and
 - (ii) who has successfully completed training provided by the employer that is in accordance with guidance from the Department; and
 - (iii) who is at the Work Premises whenever workers are on site; and
 - (c) arrange operations at the Work Premises so as to have workers working consistently with the same group of other workers where reasonably practicable, including (but not limited to):
 - (i) developing separate shifts in a way that minimises physical interactions between groups of workers attending different shifts;
 - (ii) separating workers into work areas;
 - (iii) dividing work areas up further into separate teams;
 - (iv) providing separate break areas for the separate teams;
 - (v) requiring teams to use separate entrances and exits from other teams;
 - (vi) where workers are from the same household, ensuring they work in the same shift and work area; and
 - (d) make available an adequate supply of personal protective equipment free of charge to workers; and

- (e) ensure that all workers wear appropriate personal protective equipment in accordance with the requirements of the Department; and
 - (f) test the temperature of each worker each day before they enter the Work Premises and, if the worker's temperature is 37.5°C or more, direct the worker to:
 - (i) leave the Work Premises immediately; and
 - (ii) be tested for SARS-CoV-2; and
 - (iii) self-isolate until a negative test result is received; and
 - (g) provide regular training to workers (including, but not limited to, an induction for all workers commencing at, or returning to, the Work Premises) that covers:
 - (i) good hygiene practices; and
 - (ii) advising workers not to attend the Work Premises when unwell; and
 - (iii) compliance with the requirements of subclause (25)(c).
- (26) Subject to subclause (27), an employer in relation to a hotel quarantine Work Premises must not require or permit a worker to perform work at more than one hotel quarantine Work Premises of the employer.
- (27) Subclause (26) does not apply where it is not practicable to limit a worker to only one hotel quarantine Work Premises.
- (28) Where subclause (27) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of workers working across multiple Work Premises.
- Example: rosters.*
- (29) If a worker is working at more than one Work Premises for two or more different employers:
- (a) the worker must provide a written declaration to each employer to advise them that the worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
 - (b) each employer must maintain a record of all workers who have disclosed to the employer under subclause (29)(a) that they are working across more than one Work Premises.

Hospitals

- (30) In relation to a Work Premises that is a hospital, an employer must require workers to declare in writing at the start of each shift that the worker:
- (a) is free of SARS-CoV-2 Symptoms; and
 - (b) has, in the preceding 14 days, not been in contact with a confirmed case (except in the course of their duties while wearing appropriate personal protective equipment, where relevant); and
 - (c) is not currently required to self-isolate or self-quarantine under the **Diagnosed Persons and Close Contacts Directions**.
- (31) In relation to those parts of a hospital that are a high-risk hospital Work Premises, an employer must:
- (a) designate a **high-risk hospital Work Premises worker** as a COVID Marshal:
 - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and
 - (ii) who has successfully completed training provided by the employer that is in accordance with guidance from the Department; and
 - (iii) who is at the Work Premises whenever workers are on site; and

- (b) arrange operations at the Work Premises so as to have high-risk hospital Work Premises workers working consistently with the same group of other high-risk hospital Work Premises workers where reasonably practicable, including (but not limited to):
 - (i) developing separate shifts in a way that minimises physical interactions between groups of high-risk hospital Work Premises workers attending different shifts;
 - (ii) separating high-risk hospital Work Premises workers into work areas;
 - (iii) dividing work areas up further into separate teams;
 - (iv) providing separate break areas for the separate teams;
 - (v) requiring teams to use separate entrances and exits from other teams;
 - (vi) where high-risk hospital Work Premises workers are from the same household, ensuring they work in the same shift and work area.
- (32) Subject to subclause (33), an employer in relation to a high-risk hospital Work Premises must not require or permit a high-risk hospital Work Premises worker to perform work at more than one Work Premises of the employer.
- (33) Subclause (32) does not apply where it is not practicable to limit a high-risk hospital Work Premises worker to only one Work Premises.
- (34) Where subclause (33) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of high-risk hospital Work Premises workers working across multiple Work Premises.
Example: rosters.
- (35) If a high-risk hospital Work Premises worker working in a high-risk hospital Work Premises is working at more than one Work Premises for two or more different employers:
 - (a) the high-risk hospital Work Premises worker must provide a written declaration to each employer to advise them that the high-risk hospital Work Premises worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
 - (b) each employer must maintain a record of all high-risk hospital Work Premises workers who have disclosed to the employer under subclause (35)(a) that they are working across more than one Work Premises.

Australian Air Transport Services (Passenger)

- (36) In relation to a Work Premises that is an Australian air transport operator's Work Premises, an employer must:
 - (a) include in its **COVIDSafe Plan** the processes it will put in place to ensure compliance with requirements to wear a face covering, where any other Directions currently in force require a face covering to be worn in its Work Premises or part of its Work Premises; and
 - (b) provide appropriate facilities for the disposal of face coverings at its Work Premises covered under subclause (36)(a).

8 Relationship with other directions

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

9 Other definitions

For the purposes of these directions:

- (1) **abattoir** has the meaning under the PrimeSafe licence categories ‘abattoirs (domestic)’ and ‘abattoirs (exports)’;
- (2) **Additional Obligation Industries** has the meaning in clause 5(1);
- (3) **aircraft** means an 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;
- (4) **airport** means a facility that receives scheduled international passenger air transport services and / or passenger charter air services from international markets;
- (5) **Australian air transport operator** has the same meaning as in the **Civil Aviation Safety Amendment (Part 119) Regulations 2018**;
- (6) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (7) **Border Directions** means the **Victorian Border Crossing Permit Directions (No. 15)** as amended or replaced from time to time;
- (8) **Care Facilities Directions** means the **Care Facilities Directions (No. 32)** as amended or replaced from time to time;
- (9) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (10) **care facility worker** has the same meaning as ‘worker’ in clause 7(1) of the **Care Facilities Directions**;
- (11) **cleaned** has the same meaning as in the **Workplace Directions**;
- (12) **commercial cleaning services** means a business that provides cleaning and sanitisation services to commercial **premises**;
- (13) **commercial passenger vehicle services** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;
- (14) **confirmed case** means a **worker** or person diagnosed with **SARS-CoV-2**;
- (15) **COVID Marshal** has the meaning in clauses 7(2)(a), 7(22)(b), 7(25)(b), 7(31)(a)(as the case may be);
- (16) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (17) **Department** means the Department of Health;
- (18) **Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (19) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 23)** as amended or replaced from time to time;
- (20) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (21) **employee** includes a person who is self-employed;
- (22) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (23) **face covering** has the same meaning as in the **Workplace Directions**;
- (24) **Green Zone Country** has the same meaning as in the **Border Directions**;
Note: information regarding countries with current, valid (and not temporarily or permanently suspended) safe travel zone agreements with the Commonwealth of Australia is available at: www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/coronavirus-covid-19-restrictions/coronavirus-covid-19-advice-for-international-travellers#travel-zones as amended or replaced from time to time by the Victorian Government;
- (25) **high-risk hospital Work Premises** means any **hospital** ward treating a **confirmed case** or cases of **SARS-CoV-2**;

- (26) **high-risk hospital Work Premises worker** means any **worker** involved in the direct care of patients, and those who interact with a **high-risk hospital Work Premises**;
- (27) **high-risk suspected cases of SARS-CoV-2** means a person who has a compatible clinical illness to **SARS-CoV-2** and in the last 14 days prior to onset of illness:
- (a) was a close contact with a confirmed or probable case; or
 - (b) travelled internationally; or
 - (c) worked as a health care, aged or residential care **worker** with direct patient contact; or
 - (d) lived in or travelled through a geographically localised area with an elevated risk of community transmission of **SARS-CoV-2**, as defined by public health authorities in that area;
- (28) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (29) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 28)** as amended or replaced from time to time;
- (30) **hotel quarantine** means a place (being a hotel or other facility or class of facility), designated by the Attorney-General and published in the Government Gazette, where people are detained in or directed to remain in, or are staying in, quarantine, isolation or emergency accommodation at, for the purpose of eliminating or reducing the serious risk to public health posed by the COVID-19 pandemic;
- (31) **inspector** has the same meaning as in the **OHS Act**;
- (32) **meat processing facility** has the meaning under the PrimeSafe licence category ‘further meat processing facilities’;
- (33) **Metropolitan Melbourne** means the area within the municipal districts under the local government of the municipal councils set out in Schedule 2 of the **Planning and Environment Act 1987**;
- (34) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (35) **outbreak** means:
- (a) a single **confirmed case** of **SARS-CoV-2** in a resident, staff member or frequent attendee of a residential aged **care facility**; or
 - (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;
- Note: transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. In some circumstances, the Department 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.*
- (36) **perishable food Work Premises** means a **Work Premises** that is predominantly a perishable food facility that is a chilled distribution facility;
- (37) **personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;
- (38) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (39) **port** means the port of Melbourne, the port of Geelong, the port of Portland, the port of Hastings and any other port declared under section 6 of the **Port Management Act 1995** in relation to which port lands or port waters or both port lands and port waters have been declared under section 5 of the **Port Management Act 1995**;
- (40) **port of entry** means a **port** or **airport**;
- (41) **port of entry worker** has the meaning in clause 7(20);

- (42) **poultry processing facility** has the meaning under the PrimeSafe licence category ‘poultry meat processing facilities’;
- (43) **premises** has the same meaning as in the **PHW Act**;
- (44) **reasonably practicable** is to have its ordinary and common sense meaning;
- (45) **SARS-CoV-2 Symptoms** has the same meaning as in the **Workplace Directions**;
- (46) **seafood processing facility** has the meaning under the PrimeSafe licence category ‘seafood processing facilities’;
- (47) **seasonal horticultural work** means work that is seasonal in nature in the horticulture (ie production of fruit and vegetables) sector of the agriculture industry, including the picking, packing and harvesting of seasonal produce, but does not include:
- (a) the production of nuts, wine grapes and olives; or
 - (b) storage and distribution activities that occur post production;
- (48) **seasonal Work Premises** means a farm or workplace where **seasonal horticultural work** is undertaken;
- (49) **seasonal worker** means a **worker** temporarily employed or engaged to perform **seasonal horticultural work** at **seasonal Work Premises**;
- (50) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (51) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (52) **Stay Safe Directions (Metropolitan Melbourne)** means the **Stay Safe Directions (Metropolitan Melbourne)** as amended or replaced from time to time;
- (53) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 4)** as amended or replaced from time to time;
- (54) **supermarket** has the same meaning as ‘supermarket business’ in the **Food Act 1984**, and includes supermarket distribution and warehousing (including in relation to liquor products) but excludes retail facilities;
- (55) **supermarket Work Premises** means the total of all **supermarket** distribution facilities;
- (56) **Surveillance Testing Industry List and Requirements** means the **Department** document that lists the industries (as amended from time to time on the advice of the Chief Health Officer) that are required to carry out surveillance testing on their **workers**, and also sets out the surveillance testing requirements for those listed industries;
- Note: the Surveillance Testing Industry List and Requirements are available at www.dhhs.vic.gov.au/surveillance-testing-industry-list-covid-19 as amended from time to time by the Victorian Government.*
- (57) **vehicle** has the same meaning as in the **PHW Act**;
- Note: under the PHW Act, vehicle includes any means of transport, whether used on land, sea or in the air.*
- (58) **Workplace Directions** means the **Workplace Directions (No. 32)** as amended or replaced from time to time;
- (59) **Work Premises** means the **premises** of an **employer** in which work is undertaken, including any **vehicle** whilst being used for work purposes, and including a **seasonal Work Premises**;
- Note: a Work Premises does not include an **employee’s** ordinary place of residence.*
- (60) **worker** includes **employees**, labour hire, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work.

10 Penalties

(1) Section 210 of the PHW Act provides:

False or misleading information

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

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

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

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

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

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

(2) Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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

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

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

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

- (a) in the case of a natural person:
 - (i) aged 18 years or older - \$1,652;
 - (ii) aged 15 years or older but under the age of 18 years - \$660.80;
 - (iii) aged under 15 years - \$165.20; or
- (b) in the case of a body corporate - \$9,913.

Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed 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. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal.

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

Dated 10 June 2021

PROFESSOR ALLEN CHENG
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Care Facilities Directions (No. 32)**

I, Professor Allen Cheng, Acting 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. 31)**.

2 Citation

- (1) These directions may be referred to as the **Care Facilities Directions (No. 32)**.
- (2) A reference in any other direction to the **Care Facilities Directions (No. 31)** is taken to be a reference to these directions.

3 Revocation

The **Care Facilities Directions (No. 31)** are revoked at 11:59:00 pm on 10 June 2021.

4 Commencement

The **Care Facilities Directions (No. 32)** commence at 11:59:00 pm on 10 June 2021 and end at 11:59:00 pm on 17 June 2021.

5 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**.

6 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 10 June 2021 and 11:59:00 pm on 17 June 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 7; or
 - (c) the person is a visitor of a resident of the facility.

Excluded persons

- (2) Despite subclause (1), a person who is a worker in relation to the care facility or a visitor of a resident of the care facility must not enter, or remain on, the premises of

the facility between (and including) 11:59:00 pm on 10 June 2021 and 11:59:00 pm on 17 June 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 Zone Country**; 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
Note: for the purposes of these directions, SARS-CoV-2 Symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat), loss of smell, and loss of taste do not include those symptoms where caused by an underlying health condition or medication.
- (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; or
*Note: subclause (2)(f) does not include a person who is required to be tested for SARS-CoV-2 in accordance with the requirements of the **Surveillance Testing Industry List and Requirements**.*
- (g) in the case of a visitor—the person is aged under 16 years, other than in circumstances where:
 - (i) the person's presence at the premises is for the purposes of **end of life** support for a resident of the facility; and
 - (ii) the person is a child, grandchild, sibling, or has a kinship relation to a resident; or
 - (iii) the person is the child or dependant of a visitor and the visitor cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependant unattended so that they can attend the care facility without the child or dependant.

Certain excluded persons may be permitted to visit a care facility

- (3) Despite subclause (2), a person referred to in subclause (2)(c) or (g) 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.
- (5) An officer of a care facility referred to in subclause (3)(b)(i), 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 care facility, for at least 28 days from the day the authorisation is given.

Restrictions on visitors of residents (end of life support including life-threatening conditions)

- (6) Where a visitor under subclause (1)(c) is visiting for the purposes of providing end of life support to a resident, the **operator** of a care facility in Victoria must not permit more than two visitors of a resident to enter or remain on the premises at any one time in relation to that resident.
- (7) Where a visitor under subclause (1)(c) is visiting for the purposes of providing end of life support to a resident, and is a carer, parent or guardian 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 attend the care facility without the child or dependant, then the child or dependant may accompany that person when attending the facility, and the cap in subclause (6) will not include that child or dependant.

Note: the definition of end of life support includes where a patient is at risk of dying from a sudden acute event (life-threatening condition).

Restrictions on visitors of residents (other)

- (8) Subject to subclause (9), a person 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 essential care and support necessary for the resident's immediate physical or emotional wellbeing (including mental health support and support for people living with dementia); or
 - (b) in the case of a resident of a facility aged under 18 years – the person is the parent or guardian of the resident or has temporary care of the resident; or
 - (c) in the case of a resident who has a mental illness or is living with dementia – 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
 - (d) 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; or
 - (e) the person's presence at the facility is for the purpose of learning to support the resident's care upon the resident's discharge.
- (9) Where a visitor under subclause (1)(c) is visiting for purposes specified in subclause (8), the operator of a care facility in Victoria must not permit:
 - (a) more than two visitors of a resident to enter or remain on the premises at any one time in relation to that resident; and
 - (b) more than two visitors of a resident to enter or remain on the premises per day in relation to that resident.
- (10) Where a visitor under subclause (1)(c) is visiting for the purposes specified in subclause (8), and is a carer, parent or guardian 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 attend the care facility without the child or dependant, then the cap in subclauses (9)(a) and (b) will not include the child or dependant accompanying the person visiting the facility.

7 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 is a student under the supervision of an employee or contractor in relation to the care facility; or
 - (c) 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
 - (d) 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; or
 - (ii) behavioural support services; or
 - (iii) functional and well-being support services; or
 - (iv) other support services; or
 - (e) 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
 - (f) 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
 - (g) 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.

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) a person does not enter or remain on the premises of the care facility if the person is prohibited from doing so by clause 6; and
 - (b) 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:
- (a) is free of SARS-CoV-2 Symptoms; and

Note: for the purposes of these directions, SARS-CoV-2 Symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat), loss of smell, and loss of taste do not include those symptoms where caused by an underlying health condition or medication.

- (b) has, in the preceding 14 days, been in contact with a confirmed case (except in the course of their employment while wearing the appropriate level of personal protective equipment in the circumstances); and
- (c) is currently required to self-isolate or self-quarantine in accordance with the **Diagnosed Persons and Close Contacts Directions**.

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

- (3) Where a visitor of a resident of 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 subclause (b);
- (2) **care facility** has the meaning in clause 5;
- (3) **confirmed case** means a person who has been diagnosed with **SARS-CoV-2**;
- (4) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 23)** as amended or replaced from time to time;
- (5) **disability residential service** means a residential service within the meaning of the **Disability Act 2006** and to avoid doubt, includes the facility called the Intensive Residential Treatment Program of the Statewide Forensic Service;
Note: the Intensive Residential Treatment Program of the Statewide Forensic Service is often referred to as 'DFATS'.
- (6) **eligible SDA enrolled dwelling** means a Specialist Disability Accommodation (SDA) enrolled dwelling that is provided under an SDA residency agreement within the meaning of section 498B of the **Residential Tenancies Act 1997**;
- (7) **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;
- (8) **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; and

- (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 subclause (a));
- (9) **flexible care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (10) **Green Zone Country** has the same meaning as in the **Victorian Border Crossing Permit Directions**;
- (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. 28)** 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 Zone Country** 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) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (25) **Surveillance Testing Industry List and Requirements** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;
- (26) 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**;
- (27) **Thomas Embling Hospital** means the hospital of that name operated by the **Victorian Institute of Forensic Mental Health**;
- (28) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 15)** as amended or replaced from time to time;
- (29) **Victorian Institute of Forensic Mental Health** has the same meaning as in the **Mental Health Act 2014**;
- (30) **worker** has the meaning in clause 7(1);
- (31) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 27)** as amended or replaced from time to time;
- (32) **Workplace Directions** means the **Workplace Directions (No. 32)** 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.

Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed 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. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.

Dated 10 June 2021

PROFESSOR ALLEN CHENG
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Hospital Visitor Directions (No. 28)**

I, Professor Allen Cheng, Acting 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. 27)**.

2 Citation

- (1) These directions may be referred to as the **Hospital Visitor Directions (No. 28)**.
- (2) A reference in any other direction to the **Hospital Visitors Directions (No. 27)** is taken to be a reference to these directions.

3 Revocation

The **Hospital Visitor Directions (No. 27)** are revoked at 11:59:00 pm on 10 June 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 10 June 2021 and 11:59:00 pm on 17 June 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 of a patient of the hospital; or
 - (d) the person is present in an area of the hospital in respect of which an exemption under clause 6 is in force.

Note: Hospitals also set visiting rules separate to these Directions that may include additional requirements, conditions or restrictions that apply to visitors.

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 10 June 2021 and 11:59:00 pm on 17 June 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 Zone Country**; 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) the person is aged under 16 years, other than in circumstances where:
 - (i) the person's presence at the hospital is for the purposes of **end of life** support for a patient; or
 - (ii) a patient has a life-threatening medical condition; and
 - (iii) the person aged under 16 years is a child, grandchild or sibling of the patient, or has a kinship relation to the patient; or
 - (iv) subclauses (9), (10), (13) or (14) apply.
- (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.

*Note: subclause (2)(f) does not include a person who is required to be tested for SARS-CoV-2 in accordance with the requirements of the **Surveillance Testing Industry List and Requirements**.*

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 subclauses (2)(b), (c), (d) 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.

Restrictions on visitors of patients (end of life support including life-threatening conditions)

- (8) Where a visitor under subclause (1)(c) is visiting for the purposes of providing end of life support to a patient, the **operator** of a hospital in Victoria must not permit more than two visitors of a patient to enter or remain on the premises at any one time in relation to that patient.
- (9) Where a visitor under subclause (1)(c) is visiting for the purposes of providing end of life support to a patient, and is a carer, parent or guardian of a child or dependant, and they cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependent unattended so that they can attend the hospital without the child or dependent, then the child or dependent may accompany that person when attending the hospital, and the cap in subclause (8) will not include that child or dependent.
- (10) Where a child or dependent visitor under subclause (1)(c) is visiting and the patient is the carer, parent or guardian of that child or dependent visitor, and the patient cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependent visitor unattended so that they can be present at the hospital without their child or dependent visitor, then their child or dependent visitor may be present at the hospital, and the cap in subclause (8) will not include that child or dependent visitor.

Note: the definition of end of life support includes where a patient is at risk of dying from a sudden acute event (life-threatening condition).

Restrictions on visitors of patients (other)

- (11) A person may visit a patient in a hospital if:
 - (a) the person's presence at the hospital is for the purposes of providing essential care and support necessary for the patient's immediate emotional or physical wellbeing (including mental health support and support for people living with dementia); or
 - (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
 - (c) in the case of a patient of the hospital who has a mental illness or is living with dementia – 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
 - (d) 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

- (e) 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; or
 - (f) 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
 - (g) in the case of a patient of the hospital who is in a maternity ward whose status as a patient relates to pregnancy or childbirth – the person is the patient's partner or support person; or
 - (h) in the case of a patient of the hospital attending at the hospital's emergency department – the person is accompanying the patient; or
 - (i) in the case of a patient of the hospital attending an outpatient appointment – the person is accompanying the patient.
- (12) Where a visitor under subclause (1)(c) is visiting for a purpose specified in subclause (11), the operator of a hospital in Victoria must not permit:
- (a) more than two visitors of a patient to enter or remain on the premises at any one time in relation to that patient; and
 - (b) more than two visitors of a patient to enter or remain on the premises per day in relation to that patient.
- (13) Where a visitor under subclause (1)(c) is visiting for a purpose specified in subclause (11), and is a carer, parent or guardian of a child or dependant, and they cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependent unattended so that they can attend the hospital without the child or dependent, then the child or dependent may accompany that person when attending the hospital, and the cap in subclauses (12)(a) and (12)(b) will not include that child or dependent.
- (14) Where a child or dependent visitor under subclause (1)(c) is visiting for a purpose specified in subclause (11), and the patient is the carer, parent or guardian of that child or dependant visitor, and the patient cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependent visitor unattended so that they can be present at the hospital without their child or dependent visitor, then their child visitor or dependent visitor may be present at the hospital, and the cap in subclauses (12)(a) and (12)(b) will not include that child or dependent visitor.

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 subclause (d).

- (e) the person's presence at the hospital is authorised or required for the purposes of emergency management, law enforcement, or the performance of a duty, function or power under a law.

6 Exemption power

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

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

7 Operator obligations

Operator to take all reasonable steps

- (1) The **operator** of a hospital in Victoria must take all reasonable steps to ensure that:
 - (a) 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
 - (b) a record is kept, in relation to each person who enters or remains at the hospital as a visitor under these directions of:
 - (i) the contact details of the person; and
 - (ii) 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
 - (c) the hospital facilitates telephone, video or other means of electronic communication with the parents, guardians, partners, carers and support persons of patients to support the physical, emotional and social wellbeing (including mental health) of patients.

8 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. 23)** 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 subclause (a)).
- (4) **Green Zone Country** has the same meaning as in the **Victorian Border Crossing Permit Directions (No. 15)** as amended or replaced from time to time;
- (5) **hospital** means:
 - (a) a **public hospital**;
 - (b) a **denominational hospital**;
 - (c) a **multi-purpose service**;
 - (d) a **private hospital**;
 - (e) a **day procedure centre**;

- (6) **nominated person** in relation to a **patient** has the same meaning as in the **Mental Health Act 2014**;
- (7) **operator** of a **hospital** means a person who owns, controls or operates the hospital;
- (8) **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;
- (9) **patient** of a **hospital** means a person who requests or is being provided with health, medical or pharmaceutical services by the hospital;
- (10) **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 Zone Country** in the 14 days prior to arrival in Victoria;
- (11) **Surveillance Testing Industry List and Requirements** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;
- (12) **worker** in relation to a **hospital** has the meaning given to it in clause 5;
- (13) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 27)** as amended or replaced from time to time;
- (14) 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**;
- (15) the following expressions have the same meanings as they have in the **Health Services Act 1988**:
 - (a) **day procedure centre**;
 - (b) **denominational hospital**;
 - (c) **multi-purpose service**;
 - (d) **public hospital**;
 - (e) **private hospital**.

9 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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

Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed 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. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.

Dated 10 June 2021

PROFESSOR ALLEN CHENG
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act

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